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JAMES MONROE SMITH

From Samuel A. Echols, *Georgia's General Assembly of 1878*

JAMES
MONROE
SMITH

Georgia
Planter

Before Death and After

BY
E. MERTON
COULTER



UNIVERSITY OF GEORGIA PRESS *Athens*

To
PAUL A. BOWDEN
Friend of
James Monroe Smith

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I first heard of Smith soon after his estate had been settled; and immediately I made enquiry about his business papers, private correspondence, and the records of the settlement of his estate. I learned that there had happened what so often happens to the records of the past: All of the Smith papers had been destroyed as so much rubbish. And so there came an end to my hopes of telling the Smith story.

1. Sam W. Small, quoted in *Oglethorpe Echo* (Lexington, Ga.), January 12, (5, 2-3), 1906. In all newspaper citations, the first number in the parentheses refers to the page, and all other numbers, to columns.

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county seat of Oglethorpe County, where Smith spent the last fifty years of his life. This newspaper was started in 1874 by T. Larry Gantt. He soon sold it to W. A. Shackelford, who continued to edit it throughout the remainder of Smith's life. Both of these editors soon became intimately acquainted with Smith and published his comings and goings regularly, as well as frequent descriptions of his plantation and plantation enterprises as he developed them. For the use of this file I am indebted to the present editor, Ralph B. Maxwell.

In the pages of the *Oglethorpe Echo* I found the thread of the story of Smith's life. Other papers in the state also took note of him, occasionally publishing special accounts and feature stories of his undertakings. But apart from the issues of the *Oglethorpe Echo*, the greatest bonanza in the Smith story was three large collections of documents relating to the court proceedings in the settlement of his estate. The first was the records of the administration of the estate, in the Office of the Ordinary, and supplementary records in the Office of the Clerk of the Court, in the Oglethorpe County Courthouse. The other two collections were the records of the case when it reached the United States District Court for the Southern District of Georgia, and its appeal to the United States Fifth Circuit Court of Appeals. The first is in the Federal Records Center in East Point, Georgia, and the other is in like depository for Federal records, in New Orleans. For the use of both of these collections I am indebted to Mary C. Frost, Chief, Reference Service Branch, Federal Records Center, East Point. For further help given in the Federal Records Center, I want also to mention Nadine Whelchel. A complete bibliography of the manuscript and printed sources used in this study appears at the end of this book.

Few Georgians have come down to the present in hearsay and folklore as profusely as has Smith. In a sense, then, the story of Smith as here presented is a sort of exercise in historical criticism. A comparison of what the records show and what hearsay has retailed leaves an amazing gap between fact and fancy, and almost all to the credit of Smith. In 1958, Charles R. Koch, Managing Editor of *The Farm Quarterly*, published in Cincinnati, wrote for that publication an article on Smith, based almost entirely on what people today say about him. Koch wrote with discernment and understanding, but perforce

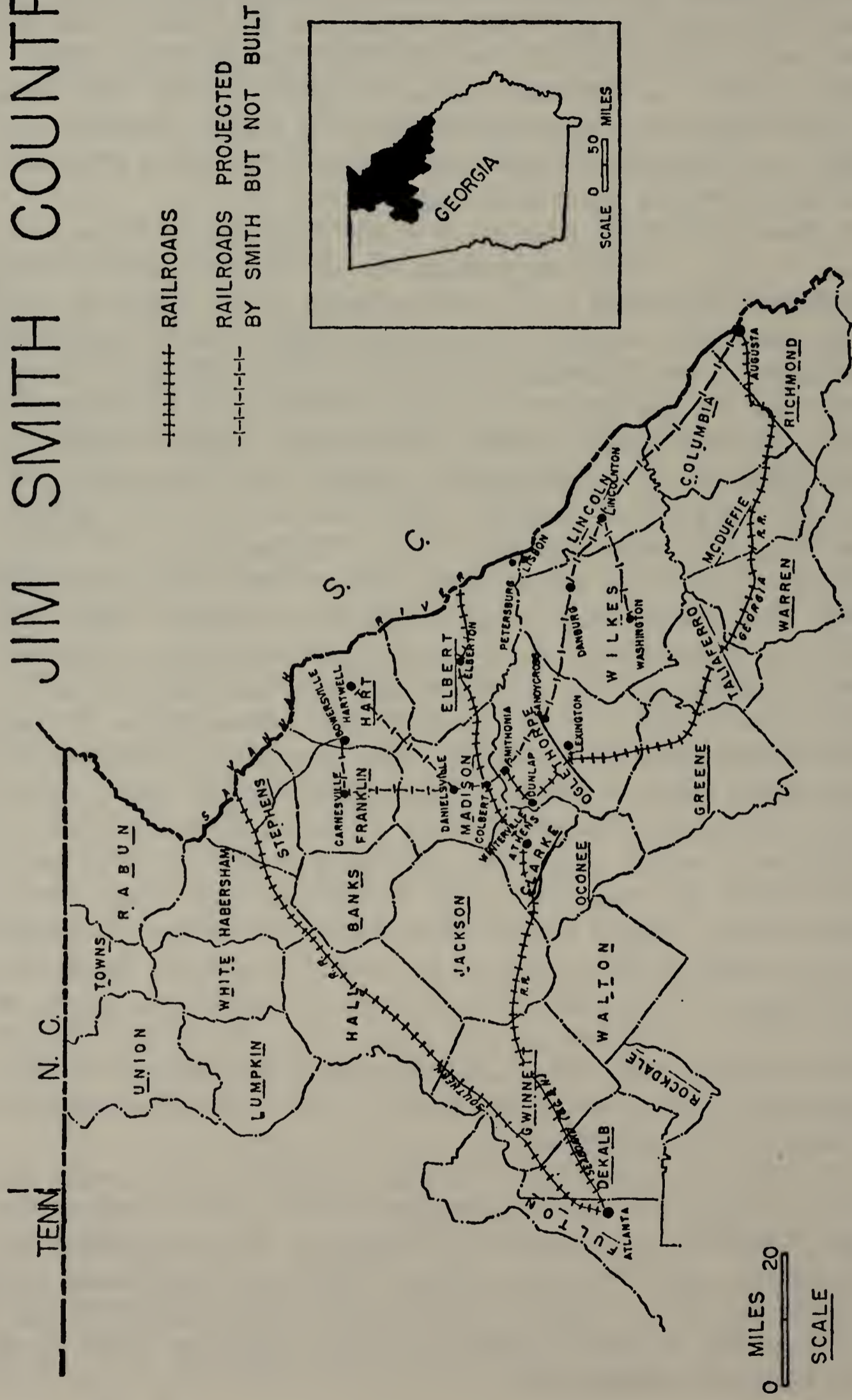
he left Smith in a light considerably different from what will shine upon him in this book. To Koch I am indebted not only for the use of his article, but also for his great generosity in turning over to me his records of conversations with many people, upon which he largely based his article and also for a half dozen excellent illustrations relating to the Smith plantation. Credit for them is given where they appear.

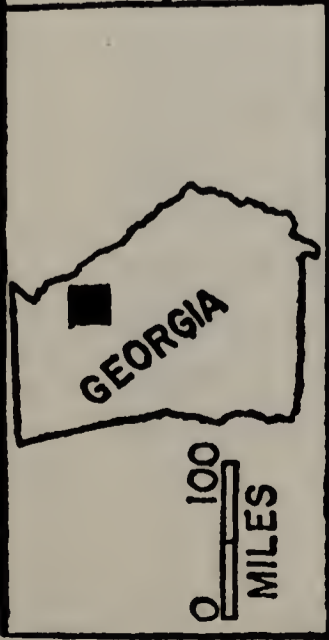
I have been helped by many other people in addition to the ones I have already mentioned. G. A. Barron, Clerk of the Superior Court, and F. D. Maxey, Judge of the Court of Ordinary, made the records in the Oglethorpe County Courthouse available to me. Hamilton McWhorter of Lexington, Georgia, who was one of Smith's attorneys and lived in his house for short periods, gave me much information. Equally helpful by providing me with information gained from associations with Smith was Paul A. Bowden, President of the First National Bank of Thomson, Georgia. Harry Hodgson, Sr., of Athens, Georgia, who knew Smith personally and had business dealings with him, shared with me the memories of those experiences. Mary G. Bryan, head of the Department of Archives and History, Atlanta, had the records under her care searched for me. Florence W. Sibley of Marietta, Georgia, remembered the part in the settlement of the Smith estate played by her father, the late Judge Samuel Sibley, of the Fifth United States Circuit Court of Appeals. William Tate, Dean of Men, University of Georgia, who has long been interested in Smith, aided me in more ways than one, and John W. Bonner and Susan Barrow Tate of the Special Collections of the University of Georgia Library, always were conscious of my interest in any Smith item that came to their attention. Many other people have given me choice bits of information and stories about Smith and referred me to others who might know something. In this connection I particularly want to mention B. E. Faust, Superintendent of Oglethorpe County Schools.

It is my conviction that the story of Smith's life, death, and of what followed is as interesting as if it were fiction. Complete objectivity in historical writing is neither possible nor desirable; and if I appear to have had more admiration than condemnation for James Monroe Smith, my defense is that I rest my case on the records, which are amply set forth in my footnotes and bibliography.

E. M. C.

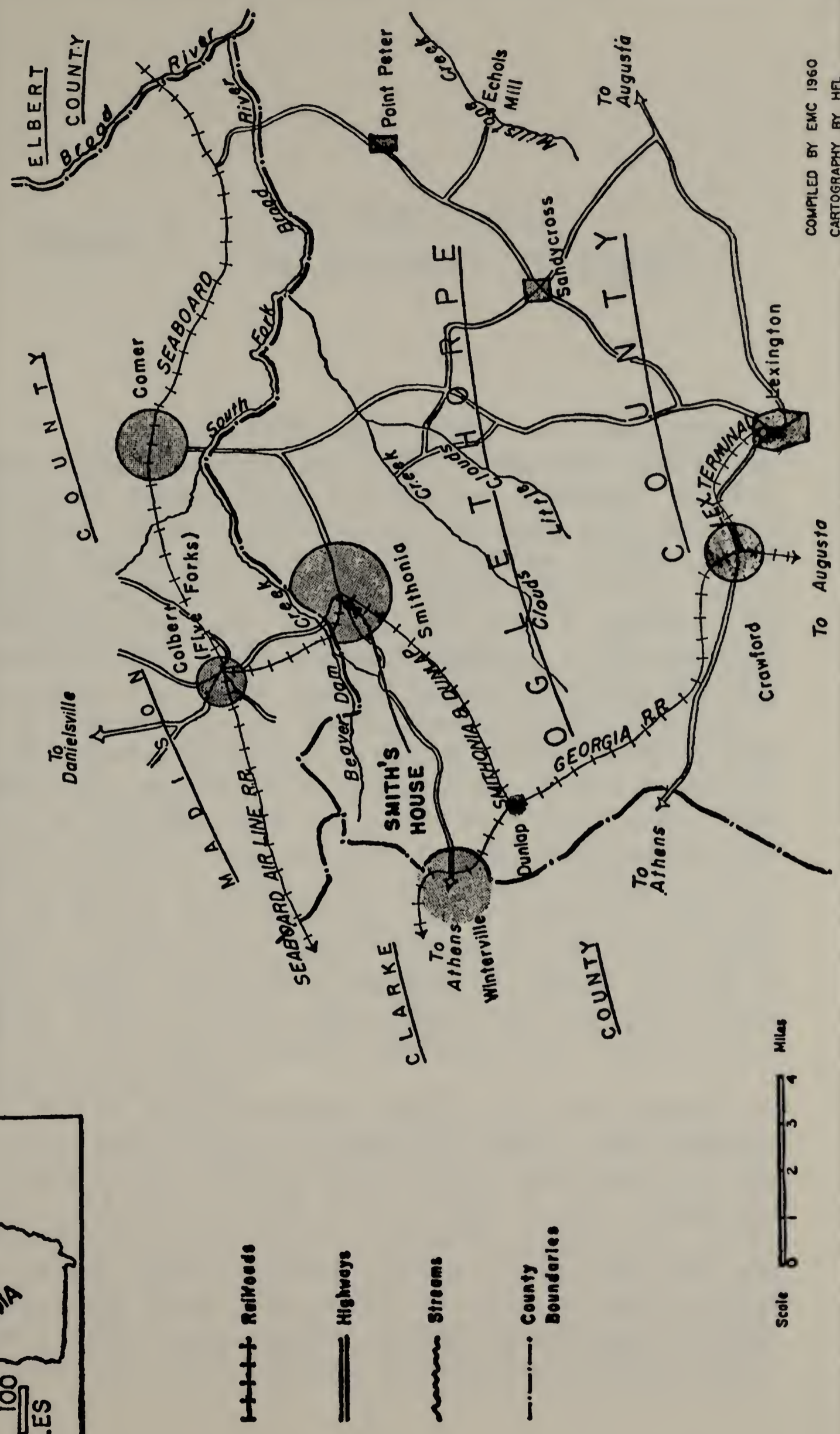
THE JIM SMITH COUNTRY





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Chapter I

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• “ALL THE LAND
• THAT’S NEXT TO MINE”
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A FEW miles north of Washington in Wilkes County, Georgia, near a little community called Danburg, James Monroe Smith was born on September 18, 1839. His father, Zadok (a Biblical name meaning *just*), had been born in Virginia at a time variously stated, but recorded on his tombstone as January 15, 1782.¹ Zadok’s father was a native of Maryland and was reputed to have been a captain in the Continental Army under George Washington. It has sometimes been stated that he was born in England. However that may be, it is certain that the Smiths were of English ancestry.²

Zadok came to Georgia and settled in Wilkes County in 1805, having been preceded some twenty years by that remarkable group of Virginians who also settled in Wilkes County along the Broad River in that part later cut off into Oglethorpe and Elbert counties. A dozen years after Zadok arrived in Georgia the War of 1812 broke out and propelled him into enlisting in General John Floyd’s expedition against the hostile Creek Indians. According to tradition he reached the rank of captain. Zadok’s military ardor carried over into peace times, and for a few years during the 1820’s he was a captain in the Wilkes County militia.³

In 1819 he married Malinda Hughes, and to this union were born four sons: Robert A., George W., John L., and Benjamin F. Seized by the Western fever, Robert later moved to Mississippi, and there as well as in Georgia he left through the following three generations an extensive progeny—one of his sons having fathered nineteen children. George and John also added to the Smith tribe, under that name as well as under cognate family names acquired through the marriage of daughters. Benjamin died “without marriage and without issue.”⁴

After Zadok's first wife died he married Phoebe Vaughn Boatright Mabry, on July 10, 1838, widow of Micajah D. Mabry (sometimes spelled Maybry with Willis instead of Micajah sometimes attached as a given-name), and by him she became the mother of a girl named Mary. Now, as the wife of Zadok Smith, she gave birth to a son on September 18, 1839, who was named James. It seems that he received no second given-name, but in later years, before it became fashionable to have only one given-name, James first added McIntosh as his second name, and then for some reason, discarded the McIntosh and substituted Monroe. So, in subsequent years he became known as James Monroe Smith.⁵ But when he first entered politics the newspapers sometimes in a humorous vein printed his name Jimsmith, to distinguish him from James M. Smith, the governor of Georgia from 1872 to 1877, whose middle name was Milton.

Phoebe was a Boatright before her first marriage, and her mother was a Barksdale. Phoebe had two brothers and two sisters, who married and produced offspring. Through his second marriage Zadok had no child but James. So James now had four half-brothers and one half-sister. Ten years after Zadok married Phoebe, she died (January 15, 1848); and waiting less than a year, Zadok married again (January 3, 1849). The third wife, Ann Bird (sometimes spelled Byrd), also was a widow. No children ever came to this union. At some unstated time, Ann preceded Zadok to the grave. Zadok himself finally died on August 15, 1867, at the home of his son George, in Lincoln County, not far from the old homestead.⁶ He was buried in the churchyard of the old Fishing Creek Baptist Church, organized in 1783, of which he had been a member for half a century. In 1899 his son James erected over Zadok's grave a suitable marble tombstone, and at the same time he placed a marker identical in design over his mother's grave in a plantation cemetery a few miles away. Sixty years later a great pine forest had taken possession of the plantation lands and a huge tree was gradually crowding this gravestone away from its pedestal.⁷

James Smith (called Jim as a boy, and in his later life Colonel Smith, and Colonel Jim by some, and "Massa Jim" by others) grew up in an old section of a historic county. His father had come to this region after it had been settled for more than a quarter of a century.⁸ In the archives of Wilkes County there

is no record of Zadok Smith owning land until 1828, when he bought 249 acres on the waters of Fishing Creek.⁹ He was never a great landowner; in 1860 he owned 300 acres, of which 140 were improved.¹⁰ By all standards of computation Zadok belonged to the middle yeomanry class. The majority of Wilkes County landholders in 1860 owned between 100 and 500 acres. There were 202 in this class. Ninety-eight owned more than 500 acres, and ninety-three owned less than 100 acres. In a country where in 1860 there were twice as many slaves as white people, it might well be expected that Zadok Smith would be a slaveholder. He owned at this time thirteen—in 1840 he had possessed eighteen. Of the 518 slaveholders in the county there were almost twice as many owning from ten to thirty slaves as those in any other grouping. There were sixty-two who owned only one slave, and only four who owned more than one hundred—and no one owned more than three hundred. The average was fifteen.¹¹

As a further index into the kind of life little Jim Smith saw around him, his father had in 1860, four horses, three work-oxen (commonly used in Wilkes instead of mules), two milch cows and a dozen "other cattle," and thirty hogs. He had on hand when the "census man" came around that year (on June 10) forty-five bushels of wheat, two hundred bushels of corn, fifty bushels of oats, forty bushels of sweet potatoes, fifty pounds of butter, five bales of cotton, two tons of hay, and \$20 "value of homemade manufactures" and \$170 "of animals slaughtered." His personal and real estate was worth \$10,550.¹² Historically Zadok was called "a plain old planter."¹³ He visited Washington, the county seat, frequently, and knew well its most famous citizen, Robert Toombs, who referred to Zadok as "my old friend."¹⁴

Little Jim was the pet of his mother. Though she died when he was not quite nine years old, she had much to do with molding his character and instilling into him a desire to seek an education and become an important man. She was reputed to have been a teacher in former years, and she was quite religious, as was Zadok. Of Zadok's five children, Jim was his father's favorite. Now and then when Zadok would be riding into Washington, he would bounce little Jim up behind to go along.¹⁵ One of his old acquaintances remembered that the "old man never thought as much of the others as James."¹⁶

Like his half-brothers, Jim worked on the farm and at odd jobs around the place, but not the whole year round, for as he remembered many years later: "I attended old field schools three months in each year for eight years after crops were laid by." He was "literary always," according to his own admission, and as a boy he was "very healthy and stout."¹⁷ One of his teachers was Tig (Tignall) Moss and another was Dr. George Anderson. A schoolmate in after years recalled that he was "the smartest boy I ever went to school with."¹⁸ At one of the weekly "exhibitions," held every Friday afternoon, Jim gave his essay on the "Evils of Intemperance," and when later the teacher examined his paper, it was found to be perfectly blank—Jim had been speaking extemporaneously.¹⁹

Without a doubt Jim was an unusual boy in his neighborhood, and though he worked on his father's farm and liked the smell of ploughed land and the aroma of new-mown hay, yet he still had a literary bent of mind. And this he exercised not only when he went to school but also when he himself did a little teaching. After a few years of schooling, topped off by a term at the Danburg Academy, he knew enough to do some teaching in slack times—at the Pine Grove old field schoolhouse and other places in the vicinity "to the satisfaction of his patrons."²⁰

Zadok wanted Jim to remain in the neighborhood when he grew up to become a farmer like his half-brothers; but Jim was ambitious for more than this little country community could afford. He heard that the Georgia Railroad, from Augusta to Athens, was always in the market for crossties. When he was about eighteen he secured a contract to cut three thousand, to be delivered to the railroad right-of-way, at a siding where later the little town of Winterville grew up—and as fate decreed not very far from where the future activities of his life were to be centered. With the aid of a strong Negro within six months he had completed the work.

Having made a considerable profit from this venture, Jim's mind was in a whirl. He could hardly go back and settle down in the old Danburg community. While making up his mind what to do, his restless energy led him for the next six months into some trading and trafficking which tended to make him a "jack of all trades." Knowing horses, he did some horse trading; he bought old buggies, repaired them, painted them, and sold them at a good profit; he rebuilt a few cane-grinding mills; he

was said to have even repaired old watches and cobbled a few shoes.²¹

Such activities provided an outlet for a certain kind of energy, but it was not of the literary kind; and Jim could not long do without satisfying some of the latter. Hearing of a little school up in East Tennessee called Hiwassee College, where board, lodging, and tuition were cheap, he set out (on foot according to tradition); but before reaching there he turned up for a time in Knoxville, which was about forty miles north of the location of the college, in Monroe County. In Knoxville he earned more money at odd jobs, and either before going on to the college or during his residence there or soon afterwards, he turned his mind toward studying law, and earned his tuition with a leading attorney by cleaning up his office.²²

In college Jim joined the Eroamathesian Literary Society and whetted his powers of memory and oratory and at the same time kept up with his lessons so well that at graduation he received first honors. The time has been stated as both 1860 and 1861; but it has been made a matter of record that Jim possessed at the time of his death a catalogue listing him as graduating in 1861. The college immediately afterwards closed and many of its records were lost, either by the ravages of the Civil War or through carelessness. It was not reopened until after the war, and at a new location a few miles away from Hiwassee College post office.

During the years 1860 and 1861 East Tennessee was seething with excitement over the question of secession, and Parson William G. Brownlow in his *Knoxville Whig* newspaper and by word of mouth was inciting to violence the strong Union majority against the secessionists. During his four years in school Jim was in the midst of this turmoil, and being a “Democrat of the most unswerving type,” he frequently during vacation time addressed the people “in favor of the rights of the South.” Now and then he would be confronted by audiences of twenty to one against him “and in the face of threats to shoot him down for his utterances” he boldly defied them.²⁴

Since Jim could not live by talk alone, he found it necessary to ply some sort of trade during vacation time. He did some school teaching, some horse trading, and immediately after graduation he secured the principalship of the Fincastle Academy, over on the western stretches of the Cumberland Moun-

tains in Campbell County, on the Kentucky border. He taught at Fincastle only five months before war fever drove him to join Frank Richardson's company of Tennessee volunteers, to defend the Kentucky border, and when his time was out he enlisted in General Felix K. Zollicoffer's Confederate Army of East Tennessee.²⁵ Jim remained only a short time as a regular Confederate soldier, not long enough to march across the border into Kentucky and participate in the Battle of Mill Springs, in January, 1862, where General Zollicoffer was killed. He was discharged on account of "an affection of the eyes," an ailment which followed him throughout the rest of his life.²⁶

The next four years of Jim Smith's life are veiled in considerable mystery. The scanty records are confusing and contradictory, and Jim subsequently was never specific in reminiscing about this part of his life—generally skipping this period with a clever finesse and never attending many Confederate reunions or becoming conspicuous in those which he did attend. It does not seem likely that he was dodging military service, for records show that he had been honorably discharged; indeed it appears that at worst he was engaged in nothing more than some private peddling and trading. One of the accounts (which Jim seems to have been responsible for) was that he entered the commissary and quartermaster services and scoured the country to gather up food and feed for the Confederate armies. He was reported to have ranged as far west as Mississippi. But it seems probable that before the war was over he was peddling and trading in the mountain counties of East Tennessee, Western North Carolina, and North Georgia, having by this time probably given up entirely his Confederate assignment.²⁷

Without a doubt Jim did some peddling during the latter days of the war and occasionally for a year or two thereafter. His whole life was proof that he had a passion for trading, swapping, buying, and selling; not simply because he liked to make money, but actually for the love of the performance itself. A close acquaintance during the last quarter-century of Jim's life declared that in reality "old man Jim didn't love the dollar, but he loved to trade."²⁸ And although Jim did not seek a sharp or hard bargain, he felt it a shame and an indignity to be cheated. He was said to have made this observation: "There are times you have to do the other fellow before he does you."²⁹

Fifty years later there were many people who remembered Jim's peddling expeditions, and at least one legend became widespread. He would load up with thread, yarn, cloth, tinware, and such other merchandise, on his one-horse covered wagon—later a two-animal wagon drawn by a horse and a mule named "Beck"—and go trading through the country, securing in exchange cowhides, tallow, beeswax, dried fruit, and, according to one account, such other mountain products as apple brandy and corn whiskey. For a time he had a partner in his peddling activities in Habersham County, in North Georgia—Larkin Smith, who was not, however, a kinsman. Even after Jim had settled down to farming in 1866, in slack times and when "crops were laid by" he would do a little peddling.³⁰ It was after he became a farmer and began to make a success that he was given the title of Colonel. His growing importance in the community and the fact that he had studied law once were enough to warrant the title.

The legend growing out of his peddling took many forms; but in every instance it related to belittling that kind of occupation. A prominent citizen advised Jim to quit such a "pin hook" and "contemptible" business as peddling, and offered him \$12 a month and board to work for him. Jim replied, "I'll get along. Some day my cow lot will be as big as your whole plantation." Another embellishment had Jim's advisor saying after Jim had bought some poor land and was attempting to farm it while doing a little peddling on the side: "Jim, why 'don't you attempt something besides trading—here, you've bought a dried up, poorland farm of a few acres, that is so sorry it will not sprout peas." Jim's answer was the prediction as to the size of his cow lot. Another variation reduced Jim's cow lot to his calf pasture, which was going to be larger than the whole plantation of his critic, who happened to have been an important and somewhat overbearing person. Twenty years later Colonel Jim entertained him at dinner and showed him the size of his calf pasture. Another version relates to Jim's asking the father of his sweetheart for her hand, and being refused on account of his poverty, gave the answer that he would build a mansion on the girl's flower garden, or, as another had it, he would one day make a calf pasture out of it. Another version had the father saying, "My daughter will never marry a po' white trash peddler and eat turnips for the rest of her life."³¹

Jim soon gave up peddling, but he never quit trading—buying and selling and investing almost to the last day of his life. Basic in all these activities was a love of the land, out of which he expected to get the utmost, but he would not cheat it (or people with whom he traded); he would put back into the land its full due. Sometime in 1865, when probably on one of his peddling expeditions with no particular destination in mind, Jim halted in the northern end of Oglethorpe County in a community known as Pleasant Hill. It may have been the name which attracted him—certainly not the land, which was “worn from long and careless cultivation,”³² suggestive of these lines from one of Sidney Lanier’s poems:

There was a man which he lived in Jones,
Which Jones is a county of red hills and stones.

In any case, Fate suggested that he rent part of this land and try to raise a crop.

Before he had been here a year, he heard that some adjoining land was to be sold in the settlement of an estate—it was the Hawks plantation of a thousand acres, and it was to be sold at public outcry on the courthouse steps at Lexington, the county seat, on January 2, 1866. Jim joined in with one of the Hawks heirs, Henry, Jr., and bid in the property for \$3,900; but being able to pay only a little less than \$1,000, they gave a mortgage on the land for the remainder. Since this land was held in common, Jim gave in for taxes for the year 1866 five hundred acres of land which he valued at \$2,000. Early the next year Jim bought from the partnership 378 acres, and for the first time he became the sole owner of land. On November 3, 1868, he became owner of the whole one thousand acres.³³

The following acreages have been recorded here to show how far away from fact legends can stray. According to different tellers his first purchase was variously given as 179 acres, 185, 198, and 400. Apparently Jim had about \$1,000 when he and Hawks purchased the 1,000 acres, and it seems that he was responsible for the first payment; but in order to complete the payments by taking up the mortgage, Jim was forced to borrow and fortunately he was able to get the loan of a sum of money, stated to be \$2,500, from Thomas R. Holder of Jackson County, an old friend of peddler days when Jim made Holder’s home a stopping point. Holder loaned this money to Jim without secu-

rity, for which confidence Jim was ever afterwards grateful, showing his gratitude not only to Holder but to Holder's three sons, John, Tom, Jr., and Frank.³⁴

It took fortitude to begin farming on this "thinnest grade of up-land," on which the former owner "had barely eked out an existence."³⁵ But Jim was never afraid of hard work, nor of taking a chance. He hired five workmen to help in 1866. He himself plowed a mule, laid off his corn and cotton rows, sowed his grain by broadcasting with his hand, and reaped it with a scythe and cradle—doing more work than any two of his hired hands. A visitor during these early days remembered many years afterwards an occasion when he saw Jim hoeing cotton and a Negro workman plowing a mule. After shaking hands, Jim continued his hoeing remarking that he could talk as well moving as standing still.³⁶ For the first four years of his farming Jim boarded and roomed at a neighbor's house.³⁷

The year 1866 was a complete failure, and if Holder had not come to Jim's rescue he would have lost everything. It was one of the worst crop years in all Georgia history; it did not rain from April to September. When Jim gathered his crops he had as his reward for a year's hard work two and a half bales of cotton and fifty bushels of corn. The next year was heartening; now he picked fifteen bales of cotton, shucked four hundred bushels of corn, and harvested two hundred bushels of wheat. In 1868 he did even better, making fifty bales of cotton. His father had died the previous year, and in settling up his estate Jim received \$200 as his share. Also this year he acquired the share of one of his brothers and also at this time he bought for \$496 the old home place consisting at that time of 200 acres, as well as two undeveloped land lottery lots which Zadok had secured many years before—a 490-acre Appling County lot and a 202½-acre lot in Pulaski County. For these two lots Jim paid only \$25. Jim's roots were now beginning to grow deep into Georgia lands, so much so that he soon gave up the thought of migrating to Texas to farm the rich Brazos River bottom—a thought which he had been harboring ever since the end of the war.³⁸

Though Jim was doing mixed farming his main crop was cotton—the money crop that Southern farmers long had stuck to and would continue to do so for another half century and more. In 1869 he made one hundred bales, and in 1870 the

amount jumped to 210 bales. In 1871, a poor crop year, he made only 165. In 1872 Colonel Smith made a profit on his farming of \$10,000.³⁹

Manifestly Jim was acquiring more land on which to be making these increasing crops. In 1872, he owned 8,000 acres. The center of his land holdings was the Pleasant Hill community where he had begun his farming, his lands lying along Beaverdam and Clouds creeks, in Oglethorpe County, and pushing out farther into Madison County, lying five miles to the northward. In fact it soon was to become a saying that Colonel Smith would never rest satisfied until he "owned all the land that's next to mine." As an example of these accretions, the following is a description of the boundaries of a 575-acre tract he was buying: bounded "on the North by a tract of land known as the Sarah Hawks place and the old original public road known as the Clouds Creek road; on the East by the lands of James M. Smith known as the old Brown place; on the South by Clouds Creek and the old Abel Barnett place now owned by James M. Smith; on the West by the old Davy Johnson place now owned by James M. Smith and the old Hawks place, now a part of the Home place of the said James M. Smith."⁴⁰ Colonel Jim was a good neighbor and seldom if ever got into any arguments about boundary lines, even though they were described by such flimsy markers as was the custom. In the following description of a boundary, Jim and his neighbor agreed to erect rail fences along certain parts: "beginning at a Rock Corner on F. M. Glenn's Estate line near Still House Branch thence a Straight line to a Black gum corner on a Ditch on Beaverdam Creek thence up said Beaverdam Creek to a Rock Corner on Ranford E. Hitchcock's line."⁴¹

Colonel Jim's purchases were generally in small tracts—scarcely ever as much as a thousand acres. In 1868 he bought three tracts in Oglethorpe: twenty-six acres for \$104; four for \$60; fifty-seven for \$600. In 1869 he bought four tracts totaling 772 acres, averaging slightly more than \$3 an acre.⁴² During the years 1870-1879, inclusive, he bought twenty tracts in Oglethorpe, paying slightly more than \$4 an acre. But some of this land he bought for \$10, \$11, and as high as \$30 an acre.⁴³ In the 1870's Colonel Jim began buying land across the line in Madison County and by the end of the decade (1879) he had bought five tracts, totaling 976 acres, at an average price of slightly more than \$6 an acre.⁴⁴ But at the same time he was

buying land he was also selling some—Colonel Jim the trader must sell as well as buy. In 1868 he sold one and a fourth acres for \$25, and during the 1870's he sold four tracts amounting to 954 acres for slightly more than \$2 an acre. These lands were in Oglethorpe County and must have been waste lands, or undesirable for some other reason.⁴⁵ During the same period he sold one hundred acres in Madison County for \$400.⁴⁶

An enumeration of all of Colonel Smith's land transactions would be like census statistics and would make just as dull reading; but certain groupings and summations should be of interest. In addition to his purchases and sales of town properties, mill sites, other strategic areas, and his numerous mortgage loans and security deeds (which in default of payment would transfer the property to him), the number of his land transactions in the two counties of Oglethorpe and Madison (the heart of his economic kingdom) from 1880 to his death in 1915 amounted to considerably more than four hundred. In these particular operations he bought more than 37,000 acres in Oglethorpe and more than 13,000 acres in Madison; and in these two counties he sold more than 24,000 and 9,000 acres respectively. By these calculations he had in these two counties alone more than 16,500 acres at the time of his death. The last fifteen years of Colonel Smith's life were the most active in these land dealings.⁴⁷

And just as the saying went that Colonel Jim wanted all the land that was "next to mine," so did he want land in every county that was next to his Oglethorpe County—Clarke, Oconee, Greene, Wilkes, Elbert,⁴⁸ and Madison—and he succeeded in securing land in all of these counties but also in many more, as far as the southern part of the state—Appling, Pulaski, Fulton, Jackson, Crisp, Jefferson, McDuffie, Taliaferro, Bacon, and Baker.⁴⁹

Colonel Smith would never have got rich buying and selling land; he would have come nearer reaching the poor house. This seemed to be only part of his plan for making money: He had in mind other ways than trading in land. During the decade of the 1880's he bought in Oglethorpe County more than 8,000 acres at over \$7 an acre, and he sold more than 700 acres at slightly less than \$6 an acre; in Madison County, it was 3,700 acres bought at \$4, and 400 acres sold at \$3. In the decade of the 1890's, it was 9,600 acres bought at \$5, and 3,300

sold at \$6.50 in Oglethorpe; in Madison, it was 4,000 bought at \$5, and 2,000 sold at the same price. During the 1900's to the end, in Oglethorpe it was 19,000 acres bought at \$7.50, and 20,000 acres sold at \$6.50; and in Madison, it was 5,200 acres bought at \$10 an acre, and 6,700 sold at \$13 an acre. All of these sums are approximations.⁵⁰

Colonel Smith's real business was farming, and it was in this business that he would make a name, fame, and fortune.

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Chapter II • CORN AND COTTON,
• WHEAT, RYE, AND OATS
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THE size of Colonel Smith's farm became proverbial, even in a county and in a state where and at a time when large farms were numerous. In Oglethorpe County there were in 1880 twenty-seven farms of more than 1,000 acres—and how much larger they were the Tenth United States Census did not publish.¹ Operating during the 1880's and 1890's were such well-known Oglethorpe planters as L. Frank Edwards, who in 1887 had his 800 acres in cotton, 400 acres in corn, and large fields of other crops, and who had his fish ponds, hydraulic ram, and various other appurtenances that went with a well-developed plantation; Lee and Jewett Callaway with their 40-mule farm of 3,000 acres, producing their hundreds of bales of cotton and other crops, around the end of the century; R. M. Gaulding of Cherokee Corner, John W. Jarrell of Frederick, and Gabriel Watson, with their broad acres; and John Moody, whose lands were not so extensive as those of some Oglethorpe planters, but who put them to a very special use—acres of grape and scuppernong arbors and peach and apple orchards.² And among the many Georgia planters of extensive acres in other parts of the state, Joseph E. Brown, though best remembered as a politician, should not be forgotten as also a great planter.

There were two Georgia planters who were well known in their times, by each having amassed fortunes “and neither lived in a fertile section, but one on poor, sandy lands and the other on the red hills of Georgia.”³ The one was David Dickson of Hancock County, dead by the mid-1880's, and the other, James Monroe Smith, who was to see a fast-changing world before his death in 1915. Colonel Smith was to surpass Dickson far in fortune, acreage, fame, and usefulness. Smith was no braggart

about his possessions, and was not slow to deny the well-intentioned exaggerations of his wealth often spread by friends, acquaintances, and visitors. Yet he prided himself on the many acres which he owned, generally referring to any field of less than four hundred acres as "a patch," or a "little corner." On being asked how much was in a "little corner" which he was adding to his cattle pasture, he replied "about 400 acres."⁴

According to his agricultural philosophy, successful farming should be done on a large scale—just as business was consolidating, so should farming, which after all he considered to be a business. He long believed that land was the best investment a person could make.⁵

By the 1880's he had secured at least 20,000 acres in Oglethorpe and Madison counties, of which about 16,000 acres were in one tract. His plantation measured in square miles seemed more impressive than in acres, and so it was often stated that Colonel Smith's farm covered thirty square miles, and was from nine to ten miles across. On being asked how many acres or how many bushels or bales of this or that Colonel Smith owned or produced, a Negro workman would likely answer: "Law, Boss. There's so many of them that I just dunno how many there is."⁶ Looking back in time upon Colonel Smith's plantation establishment, a commentator estimated that the Colonel "built up probably the nearest approach to a feudal barony known to modern times."⁷

Colonel Smith's twenty thousand acres, so often referred to, did not represent his total land holdings, but only that part which was contiguous or nearby and which he put to a definite use, for farming, pasturing, or for supplying firewood and timber. The largest amount under actual cultivation probably never exceeded ten thousand acres.⁸ His principal crop was cotton, which frequently took up half of his cultivated land, and in 1895 he gave over 6,000 acres to this crop.⁹ In his more modest days, in 1875, he had 1,600 acres in cotton and 1,000 acres in corn, which was almost invariably his second crop in acreage.¹⁰ Three thousand acres was likely as large an area as he ever allotted to corn. Wheat certainly held third place in Colonel Smith's hierarchy of crops. In 1891 he had 1,000 acres in wheat, though it frequently claimed fewer acres. In 1903 his wheat fields as they began to turn into a golden glow were described as "the prettiest sights to be seen in the county or

state." Colonel Smith's favorite variety of wheat was the "red amber."¹¹

One of Colonel Smith's favorite crops was rye, though it was not a principal crop. He liked it especially for winter grazing, as well as for cutting in the spring for hay or later for grain. It ripened early enough to be followed the same year by cotton.¹² Colonel Jim was not given to fads, but now and then there were crops with which he became infatuated for a time. One of these was beardless barley. He began this crop first in 1903, when he planted ten acres, from which he expected to reap 500 bushels. Maturing in ninety days, it was off the land in time to be followed by cotton. He thought it was a crop that farmers all over the South should plant. It should be sown in February and not later than the first week in March. As it thrived best on rich land, it should be fertilized by 400 pounds of guano or six two-horse loads of barnyard manure to the acre, and thus encouraged it should produce from forty to sixty bushels to the acre. It should be cut and stacked like wheat, and the straw should be saved after threshing, for livestock liked it better than wheat or oats straw. The grain was excellent feed, better than corn. Furthermore, it was not hard on the soil. Colonel Jim's enthusiasm for this crop seemed to wane later.¹³

Another grain crop which Smith planted on his lands and recommended to all who would listen to him was oats. It was one of his earliest crops and it lasted to the end. In 1875 he planted two acres and he reaped from them 132½ bushels; the next year he planted ten acres, from which he reaped 840 bushels. An onlooker in early June, 1888, noted four reapers harvesting Colonel Smith's oats crop—"a new and early maturing variety"—and remarked, "This heads anything for a quick crop." And two years later a person who had recently visited Texas declared that Colonel Smith had a finer oats crop than any he had seen in the West.¹⁴

Colonel Smith's success with oats led the *Atlanta Constitution* in 1891 to request him to write for publication in that paper an essay on the importance of oats as a crop and how to raise it. He replied with an extensive, learned, and well-written account, with meticulous calculations on profits to be made. He explained how to plant the crop, the necessity of selecting the proper kind of land and the best rust-proof seeds, and the fact

that oats would germinate long after wheat or rye. Oats made succulent hay and the grain was the very best for man or beast; and he noted how excellent the Scots were, famous for the oats they ate. A work animal could well subsist for a year on 115 bushels. On land from poor to rich, the yield varied from twenty to eighty bushels an acre; but it was the part of wisdom to fertilize the land. In summation: "select good land, sow early, fertilize heavily, break the land well and leave it in good condition." And he added: "I never knew a successful oat raiser to fail as a farmer; I never knew a successful oat raiser to be sued for his honest debts." He decried Georgia farmers buying oats from the West: "It seems to be easily within the power of the farmers to render themselves independent of the West, so far as horse and mule feed is concerned." Smith was never given to dealing in generalities without a bill of particulars to support them. To prove the profits in raising oats, he used these calculations for one acre:

Plowing, harrowing, and cleaning off the land	\$ 2.00
Two bushels of seed oats and sowing	1.25
Four hundred pounds of guano and applying it	4.50
Cutting, tying, and shocking50
Threshing 50 bushels	1.50
Housing chaff and straw25
<hr/>	
Total	\$10.00
Fifty bushels at 50¢ per bushel	\$25.00
Straw and chaff	5.00
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Total	\$30.00
Total credit \$30.00; total cost \$10.00; profit \$20. ¹⁵	

Other crops which Colonel Smith planted and considered necessary for a well-balanced plantation were cow peas, sweet potatoes, Irish potatoes, peanuts, turnips, watermelons, molasses cane, onions, cabbage, beans, and various other products of a kitchen garden. He had also fruit orchards, mulberry groves, and fields of clover and bermuda grass for hay and grazing. In 1893 he planted ten acres of onions, fifteen acres of cabbage, ten acres of Irish potatoes, and six acres of beans. In 1887 he planted one hundred acres of sweet potatoes.¹⁶

From his two-and-a-half bales of cotton and fifty bushels of corn in 1866, Colonel Smith gradually progressed to princely

yields from all his crops. In 1875 he made 800 bales of cotton and 2,000 bushels of corn; in 1899 he made 2,200 bales of cotton, 20,000 bushels of corn, 10,000 bushels of wheat, 6,000 bushels of peas, 5,000 bushels of oats, 1,000 bushels of rye, and he secured equally impressive yields in other crops. In 1904, he was reported to have produced the following crops on his plantation: 3,000 bales of cotton, 25,000 bushels of corn, 12,000 bushels of wheat, 15,000 bushels of oats, 6,000 bushels of peas, 6,000 bushels of sweet potatoes, 10,000 bushels of turnips, and 500 tons of hay. In 1911 he harvested 1,500 tons of hay.¹⁷

Colonel Smith was almost as much interested in securing a large yield per acre as he was in the total production of his plantation. This interest led him into all that is comprehended in scientific and experimental farming. He believed in profiting from the experience of others by reading agricultural and scientific journals and books. He was not afraid of being called a "book farmer," but he was even more interested in finding out for himself. He determined what kind of soils composed his lands and what crops would grow best on them. This judgment was passed on him when his life was spent: "an apostle of scientific farming, and there was no modern device which he failed to give a test."

Many people visited him for advice and to see how he operated his farm, and one visitor observed, "No experiment farm has done or can do as much for agriculture." As early as 1890 it was being suggested that the state legislature appropriate sufficient money to bring committees of farmers from every county in the state to be instructed by Colonel Smith and to be shown his farm in operation. Hundreds of farmers were influenced by his farming methods. Commenting on Smith in 1904 a neighboring newspaper editor said, "One of the striking figures in Georgia is the Hon. James M. Smith, of Oglethorpe county, who owns and operates the largest farm in the state. He is regarded as an authority on agricultural matters, and his farm in many respects is the model farm in the state."¹⁸

Smith believed in getting two crops a year from his land, and in doing so he had no intention of working his land too hard. He would be as fair to his land as he would to his fellow-man. By liberally fertilizing his crops, seizing immediately the time when crops should be planted, by taking advantage of early varieties of seeds, and by seed selection and propagation,

he got his two crops and at the same time built up the fertility of the soil and increased the yield per acre. His rule was to follow his grain crops, which had been harvested by the first of June if not earlier, with cotton or corn. In 1889 he made 10,000 bushels of corn on land from which he had just harvested wheat and oats. Colonel Smith disagreed with the old custom of letting the land lie fallow every third or fourth year; it was a waste of land to do so when by the proper use of fertilizers the land could be kept in constant production.¹⁹

In his seed selection, he would send hands ahead of the cotton-pickers to pluck the largest bolls from the most thrifty stalks and this cotton was ginned separately. And he used the same method in the selections of other seeds. By 1887 he had developed a prolific corn which bore from three to seven ears on a stalk. He produced it by crossing different kinds of corn and saving the seeds from the topmost ears of the best stalks. He never planted wheat from which there had not been winnowed all cockle grains and other foreign substances.²⁰

Hardly a year passed without Colonel Smith experimenting on an acre, ten acres, or a hundred or more acres with some crop, to see how large a yield he could obtain. One year he set aside one acre and by fertilizing it heavily and giving it other special attentions he picked 820 pounds of lint cotton—500 pounds being a bale. The next year he increased the size of the plot by a half acre, and after experimenting year after year on this plot, the ninth year he obtained four bales. Experimenting on 400 poor acres and especially by bringing up its fertility, he cleared in profits in ten years \$100,000. Though Smith often made more than a bale of cotton to the acre and sometimes two bales on certain parts of his plantation, undoubtedly he averaged less than a bale to the acre throughout his plantation and over a long period of time. Cotton, like other crops, was subject to the hazards of the weather—too much rain being especially destructive. He made as high as seventy-five bushels of corn to the acre, frequently fifty bushels, but his average was about forty bushels to the acre. He made thirty-five to forty bushels of wheat to the acre, and seventy to as high as one hundred bushels of oats.²¹

However much Southerners cried out against King Cotton, calling him a tyrant, and continually threatening to dethrone him, they of their own volition were never to do so. However

low the price of cotton might sink, it could always be sold for money, and it was easy to do so, for the marketing facilities were always highly organized. Colonel Smith was early and late in the hue and cry against raising cotton as a principal crop, yet he never ceased to depend on it for money. In 1888 a news item from Smith's neighborhood ran : "Mr. Jas. M. Smith planted one hundred acres in cotton last Monday." And yet four years later another news item noted the "golden yellow of the grain" lending beauty to the Smith plantation, and added, "There is not a cotton field near."²²

There was really no inconsistency in Colonel Smith's position on the cotton problem. He never advocated giving up entirely the raising of cotton; he wanted farmers to raise all crops for their subsistence and let cotton be a subsidiary crop. For farmers to raise only cotton and spend for food what money they could get for it when they could raise the food crops just as well—this he thought was the height of folly. As he expressed his position in 1892: "If the farmers of the South don't change tactics and live at home, with cotton as a surplus crop, this thing is as true as God's Bible, that within the next three years our average lands of Georgia will not bring more than a dollar per acre, and utter starvation will hover over the homes of many a Southern farmer like the vultures over the body of Prometheus."²³ Colonel Smith practiced what he preached, and commenting on this fact the *Atlanta Journal* remarked: "Such a farmer makes money on cotton at any reasonable price, while hardly any price for cotton will make it profitable to the man who raises nothing else and has to buy all his provisions."²⁴

Wherever Colonel Smith had occasion to make a speech he dinned into the ears of the farmers the necessity of limiting their cotton acreage. In 1893 he said at Hartwell that if Providence (acting through the weather) had not cut down the cotton crop, the price would have gone down to three or four cents a pound. By 1895 enough cotton growers in Georgia had been thinking and talking like Colonel Jim as to lead to the organization of the Georgia Division of the American Cotton Growers Protective Association, a South-wide organization. Smith became the head of the chapter in Oglethorpe County. Its main program was to reduce the cotton acreage throughout the South by 25 per cent. There was partly an alternative to the

limitation of acreage, by holding cotton from the market and waiting for a strategic time to sell for the best price. Of course, this was a more difficult solution than limiting the acreage; for most cotton farmers were always so near the edge of bankruptcy that they were forced by their creditors to sell immediately. And thus they helped "Wall Street" in beating the price down further. One of the questions which Colonel Smith could always expect to be asked in cotton season was what he thought the price of cotton would be. In the fall of 1901 he advised farmers not to sell their cotton immediately; he believed it would reach 10 cents a pound and he advised them to hold out for that price.²⁵

Colonel Smith had an almost uncanny insight into what the cotton market would do, and he generally picked the time correctly to sell his own cotton. In commenting on the sale to an Augusta buyer of Colonel Smith's 1900 crop early in 1901, the *Atlanta Journal* remarked: "Georgia is proud of a farmer who can send a \$100,000 cotton crop to market and a firm which can buy it all at once."²⁶ Smith had on his plantation a large brick warehouse which could hold 4,000 bales, where he stored his cotton and where he also stored without cost the crops of others who deposited their crop with him as collateral for loans at 6 per cent, when the legal rate was 8 per cent. Colonel Jim was not averse to infrequently doing a little speculation on cotton prices, buying cotton at the market and holding it for an increase.²⁷

In much of his cotton activities, Colonel Jim was anticipating the long arm of the United States Government, in limiting acreage, warehousing and lending, and in crop forecasting. In 1905 Theodore H. Price of the Cotton Exchange in New York wrote Colonel Smith for an estimate of the cotton situation. Smith's reply on the costs, labor situation, and expected yield was so convincing that Price had the letter published and circulated on the Exchange. In writing Smith of its effect, he said, "To tell the truth the letter was considered such a forceful bull argument as to steady the rather lifeless market immediately, and to cause some advance."²⁸

In January, 1905, a large convention of cotton growers and other interested persons, numbering about 3,000, came together in New Orleans and organized the Southern Cotton Growers Association. Its purpose, like that of the old Pro-

pective Association, was to limit cotton acreage and fertilizer expenses by 25 per cent and to promote warehousing of cotton and loans on it. Colonel Smith attended and played an important part in setting the organization going, and formulating its program. Returning to Georgia, the next month he was in Atlanta aiding in organizing the Georgia branch of the Association and receiving an ovation when he arose to speak. Reiterating his old formula of making cotton a secondary crop, withholding it from the market as long as possible, raising more grain crops, and inducing farmers to live at home instead of trying to buy food and feed with their pittance of cotton money, he told how the Association had set the Wall Street speculators into a panic and brought about the rise of from \$6 to \$7 a bale on cotton within a month. Colonel Smith predicted that cotton would go down to 3 or 4 cents a pound if farmers did not pledge themselves to reduce their cotton acreage and fertilizer bills by 25 per cent, and that the price would rise to 10 or 12 cents if they agreed on limitation. He said that bankers and merchants would finance those who held their cotton. He advocated the legislature giving power to the superior courts to charter county associations designed to finance withholding cotton from the market. A dozen years previously, when asked what he thought about the limitation of cotton acreage, he replied, "If it is not done, then it will be goodbye, John, to the southern country," and he still believed so at this time. Now, if farmers would band together for higher prices, history would record "a second declaration of independence—the south's independence from the speculators of Wall Street." Smith aided in organizing the Oglethorpe County branch of the Association and he went to Augusta to advocate in a convention of farmers there, the Association's program.²⁹

Another way by which Colonel Smith hoped to aid the cotton farmers was by repeal of the state law which levied a general property tax on cotton bales as well as on other property. This tax had the direct effect of inducing the farmer to sell his cotton before it would have to be listed for taxes, and thereby it worked at cross purposes with the movement to withhold cotton from the market. He declared that every "bale of cotton held by the farmer should be free from taxation," adding that farmers paid more taxes in proportion to what

they were worth than any other class of people. They were taxed on their land, their personal property, their cotton, and if they used any commercial fertilizer they were taxed on that also.³⁰

There were always opponents of any program, and fault-finders with those who advocated it, and Colonel Jim did not escape. In following his own advice, in 1906 he cut his cotton acreage to a half of the preceding year—from 3,200 acres to 1,600. Yet he was criticized for not having reduced it further, and when the previous year he had sold in the late spring his cotton which he had been holding for almost a year, a critical newspaper editor remarked, "This doesn't look much like holding cotton for a higher price."³¹ Smith was never one of those planters who sold his cotton as soon as it was ginned, nor, indeed, was he one who ginned his cotton immediately after it had been picked. Having on his plantation a large brick cotton warehouse, he often waited until the following spring to gin much of his cotton, and scarcely ever sold until then his cotton already ginned. In April, 1892, a news item noted that Colonel Jim had sold 500 bales that week and "had a remnant of 150 bales of cotton ginned last week."³² And it was invariably his practice to let cotton buyers come to him on his plantation, look at his cotton piled high in his warehouse, and buy or not buy as he might decide whether to sell or not. His prediction of cotton prices failed him at least once on a rather large sale. In May, 1904, he sold 1,800 bales for 13½ cents a pound. He had predicted that he would get 20 cents, and at one time he was offered 16½. By not selling then, he lost \$30,000, but he never "cried over spilt milk." In 1888 he sold his entire crop just before the price declined. In April, 1897, he sold 2,000 bales, amounting to 1,000,000 pounds, at 7 cents a pound, which brought him \$70,000. This transaction was said to have been the only one in the history of the state where a planter had sold at one time so much cotton of his own production. In May, 1911, he sold 1,400 bales for \$105,000; and in July, 1915, he sold 2,000 bales for \$90,000.³³ This was the last cotton crop Colonel Smith sold. Five months later he was dead.

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Chapter III • BRICKS AND BUTTER,
• HAMS, OIL, AND FERTILIZER
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IN 1899 a special correspondent for one of the state's principal newspapers, after visiting Colonel Smith's plantation, wrote: "Here you find the guinea stamp of intelligence all over the face of the earth, in the improvements, in the surroundings, in the lowing herd, marked as surely as Jacob's cattle, and in the systematic and harmonious adjustment of the different features of the business by which one department adds to the profits of another."¹ A commentator a dozen years previously had observed that all of Colonel Smith's farming operations "dove-tail into each other, and nowhere in his immense business is there a single leak."² In 1893, one of those many Americans who had been to Chicago to see the great Columbian World Exposition, took a look at Colonel Smith's plantation headquarters and remarked that "to see the Colonel's many different buildings and factories is almost equal to the big World's fair in Chicago."³

Truly, Smith had so completely mastered almost every possible combination of the productive forces on his plantation as to leave little to be done elsewhere in adding any finishing touches. It was a continuing process from putting the seed in the ground to putting the food into the mouth of the eater, or from the beginning to the end of any other operation that could be carried on on a plantation. Nothing that had value was wasted and nothing that could be made more valuable by further handling on the plantation was left for others elsewhere to take up. Colonel Smith's plantation was an amazing combination of agriculture, manufacturing, transportation, merchandising, and livestock economy. Everything had its place and everything must be kept in its place. In fact Colonel Smith was the lord of

a dominion which took care of its own needs and which grew rich administering to the wants of others. That a plantation was merely for raising a crop and selling it as soon as it was harvested was utter foolishness to Colonel Jim.

Essential to any farm, big or little, were livestock—especially cattle; but swine were not to be neglected. Colonel Smith never became much interested in sheep and goats. Mules were, of course, his work stock. Just as he did not cheat his land by not feeding back to it what it needed, he was equally regardful of the needs of his livestock. A visitor in 1900 remarked, “I never saw bigger or fatter mules, or cows or hogs.”⁴ Colonel Smith almost worshiped the cow—not like something sacred as in India, but as a source of wealth. Cows produced calves and milk and butter and cheese and beef, and even enriched the land. “Five hundred cattle furnish the walking laboratories,” said Smith, by which the fertility of the land was “transformed into butter and beef, and in this interesting and profitable process there is a residuum which enriches thirty acres of land every year.”⁵ In 1899 he observed: “Even if I made nothing on my dairy and beef, I count that I have made \$12,000 on the enrichment of my land by my cattle.”⁶ Land worth \$10 an acre before his cows had enriched it was now worth \$50 an acre.⁷

Colonel Smith generally kept from 500 to 700 head of cattle, but in 1899 he had 1,000.⁸ Ten years previously the consensus of opinions of visitors who viewed his herd was that it was “the finest, largest and fattest they ever saw in Georgia.”⁹ So enthusiastic had Colonel Smith become over his cattle that he determined to greatly increase his herd, which led a neighboring newspaper editor to predict that “probably by next year no ranchman of the West can boast of a larger herd.”¹⁰ Holsteins were long his favorite breed; he crossed common country cattle with Holstein bulls and thereby improved his herd. With the passing of time he included other breeds, Jerseys, Durhams, Ayrshires, and Devons—all “mild eyed and beautiful,” as they appeared to one onlooker.¹¹

In season he grazed his cattle on pastures of nature's grasses such as bermuda, and in fields sown with a mixture of amber cane (sorghum) and cow peas, using a half bushel of the former and a bushel of the latter to the acre. During the winter months he fed his cattle on shredded corn and cotton seed

hulls sprinkled with cotton seed meal. He could feed each head of cattle on cotton seed hulls at two cents a day or about \$2 for the whole winter. He was one of the first to use hulls as a cattle feed, and to develop a market for them. Heretofore they had been thrown away or burned in furnaces—and whenever Colonel Smith had an over-supply he burned them in his furnaces to make power for running his machinery.¹²

Since about a third of Colonel Smith's cattle were milk cows, dairying became an important industry on his plantation. He had a large cow lot in the center of which was a big barn, with 200 or more stalls along the outer edge of the lot and also in lean-to sheds fringing the outer walls of the barn. The milking was done by Negro women who began about two hours before darkness and by sunset there were 200 gallons or more of milk which was poured into cans, put on a wagon, drawn by an ox, and hauled to the creamery. Here the cream was separated and churned into from fifty to seventy-five pounds of butter. The Negro milkmaids were required to keep books on their operations, and here Colonel Smith generally found it necessary to teach them to write, for he had "a uniform policy of keeping a record of everything on the place." In commenting on his success in teaching the milkmaids, he remarked that "they do first rate, except that they spell a little at random." Smith's butter production ranged for years around 20,000 pounds annually. He generally got from eighteen to twenty cents a pound. He sold small quantities of milk. He used specially-constructed refrigerated cars, and found his market as far away as Atlanta, Augusta, and Savannah.¹³

The skimmed milk was generally given to the workmen or fed to the calves and pigs. As Colonel Jim noted the large supply of milk that was being disposed of in this fashion, he came to believe that the end process of this part of his dairying had not been reached. Why not set up a factory for converting milk into cheese? It would provide an additional product and absorb some of his milk supply when the butter market was slow. According to a news item, Colonel Smith had established so many industries on his farm "until it looks like he is determined to produce and manufacture everything for the maintenance and comfort of man and beast."¹⁴ As Colonel Jim knew little about cheese-making he sent to the North for an expert,

but there is no evidence that the Colonel ever developed this industry.¹⁵

Equally important as his dairying operations was his slaughtering cattle for beef, as well as selling them on the hoof. In 1899 he produced 100,000 pounds of fat cattle, some slaughtered at home for his workmen but the major part sold on the livestock markets. According to one observer, the fact that Colonel Smith in 1890 was sending to the market every year as large and as fat steers as went to the slaughter pens of Kansas City afforded proof that Georgia could produce as excellent cattle as the Western prairies.¹⁶ The same year a news item stated that in the first week of March Colonel Smith sold sixty steers which would "compare with any western cattle that was ever put upon the market."¹⁷ Their average weight was 1,200 pounds. Through the years the average weight of Smith's steers was from 900 to 1,500 pounds. He raised one Durham steer which weighed 2,410 pounds when it was four years old. A college boy visiting the plantation in 1906 noted that the Colonel had in his pen fattening for the Cincinnati market fifty-five steers.¹⁸ Colonel Jim had a loading platform with scales where he weighed his cattle as he loaded twenty-six of them to the car.¹⁹

Colonel Smith generally kept about three hundred hogs. During the late spring they subsisted on his fields of burr clover, but when this crop was gone, probably only a Colonel Jim Smith could have discovered nature's next gift to swine. Mulberry trees provided the answer—the ever-bearing kind, which bloomed constantly and dropped their berries over a period of from three to four months. Smith's hogs got nothing else during that time. By the end of the 1880's he had 10,000 trees shedding their fruit. Thereafter hogs being fattened to kill were fed on corn. True to Colonel Smith's economic pattern, he found other uses for mulberry trees when they ceased to bear or when he felt he could spare some: he cut them down for fence posts and for railroad cross-ties, the wood being "most-enduring."²⁰

Colonel Smith sold few hogs on foot; he slaughtered most of those which were to be disposed of. His hogs for slaughter, being from twelve to fifteen months old, generally weighed from 400 to 500 pounds gross. Some years, for instance in 1899, he produced 50,000 pounds of hams and bacon. In his smokehouse

he had hams as old as five years; but his market absorbed his stock, including the amount supplied to his workmen, so readily that it was only by choice that the Colonel had hams five years old.²¹ Commenting on Smith's economy in 1892 and coupling it with political discontent of the times expressed in the Populist movement, an Athens newspaper noted: "Col. Jim Smith sent in a load of nice country cured hams. If all the farmers could do this there would be no trouble and no Third party."²²

The inter-dependence of livestock and cotton was not evident to most farmers, or if it was they did not act on such knowledge, but for Colonel Jim it was as plain as day, and here he could squeeze the last economic drop out of that inter-relationship. First, after picking the cotton, he would gin it in his own gins; then, instead of throwing the seed away or selling them for almost nothing, he would compress the oil from them and sell it; the cottonseed meal he would feed to his cattle or use as a base for fertilizer; the hulls he would likewise feed to his cattle or burn in his furnaces for power; and if he did the latter he would save the ashes, for they yielded large amounts of ammonia.²³

In the 1890's he was running the largest ginhouse in Georgia. It was five stories high and was pulled by a hundred horsepower engine. This large gin was taking the place of several smaller gins which he had previously been using. He ginned not only his own thousands of bales but also the cotton of farmers throughout his section. His profits were several thousand dollars a year on his ginning activity.²⁴

For many years after cotton became a principal crop in the South, the seeds were piled out on heaps to ferment, rot, and disturb the neighborhood or were dumped into streams until forbidden by law. Later they were found to contain valuable oil, and then large syndicates were set up to buy the seeds at whatever prices they were inclined to offer. In the early 1880's Colonel Smith set up a cottonseed oil mill and advised other farmers to do the same. He argued that the by-product of cottonseed meal was equally good for feed or fertilizer: "Why, we Southern farmers have lost a fortune by not knowing this sooner." There should be an oil mill in every neighborhood, where farmers could take their cottonseed just as they took their grain to grist mills. He predicted that they "were going to revolutionize the agriculture of the South, and you know that

we farmers badly need a change of some kind." The seed from a bale of cotton was worth a third as much as the cotton itself; and then with his analytical mind he proceeded to show in a computation of the price of cottonseed with the resultant oil, meal, and hulls, how his statement was true.²⁵

In 1883 Colonel Smith put up the first oil mill in Oglethorpe County. Very soon he was running it day and night, turning out 400 to 500 gallons of oil every twenty-four hours, and in 1906 he was producing 1,300 gallons. He compressed not only all his own cottonseed but large amounts which he bought from the surrounding country, running up the price in 1888 from 8 and 10 cents a bushel to 17 cents. He scattered his buyers in various nearby communities. He operated his mill only six months during a year. In 1888 he sold 50,000 gallons and later he sold larger amounts, shipping the oil in tank cars to Chicago and New York. In 1899 he was getting forty gallons of oil from a ton of seed and selling the oil for 17 cents a gallon, and this year he produced 120,000 gallons. Ordinarily he crushed 3,000 tons a year. His mill including the 120-horsepower engine, boiler, and other equipment cost him \$40,000, and his refinery cost \$3,000.

Although Colonel Smith shipped away most of his oil, he marketed some in the neighborhood and in promoting its sale a news item described it as "so clear and nice that if the ladies could see it they would prefer it to hog lard for all bread purposes." At first Colonel Jim thought it might do well for painting and preserving houses, and in 1886 he used some of it for that purpose and declared that it was as good as linseed oil, and much cheaper.²⁶

Colonel Smith fell short by one or two steps in carrying his cotton economy to its final end—he never set up a cotton factory to make cloth, and shops to convert cloth into clothing. In the last year of his life he toyed with the idea of setting up a cotton factory on his plantation. Previously he had bought in the adjoining county of Elbert a factory complete with buildings, machinery, and tenant houses, but he never operated it.²⁷

Closely related to cotton and to all other agricultural crops was fertilizer, and especially connected with the former was the manufacture of fertilizer. In offering advice to farmers during the hard times of the 1890's, Colonel Smith called for

more scientific farming. A newspaper interviewer reported him as standing for "diversifying our crops, living at home, making home fertilizers and building up home industries and investing in manufacturing enterprises of various kinds."²⁸

Agricultural leaders never seemed to maintain a constant position on the use of commercial fertilizers, at one time bemoaning the fact that farmers were not using commercial fertilizers and at another decrying too much dependence on them. In March, 1879, the *Atlanta Constitution* was disturbed over Georgia farmers during the current season having expended for guano at least \$3,500,000. They doubtless needed some commercial fertilizer, but if they farmed intelligently, they could produce on their land almost all the fertility that was needed. It was an old axiom that "a Georgia farmer wastes enough to handsomely maintain a Connecticut farmer."²⁹ David Dickson, the old Hancock County farmer, before the Civil War had experimented with guano mixtures and had developed a concoction called "Dickson's Compound"; he never asserted that guano had made him wealthy, but maintained that if used in a proper manner and combined with deep plowing, rotation of crops, and other scientific maneuvers, it would help to enrich the farmer. Guano did not make Dickson, but Dickson "helped to make the guano market."³⁰

Colonel Smith was nearly constant in his advocacy and use of guano, and he made its manufacture one of his great enterprises. Strictly defined, guano is the decomposed excrement of seafowls and is rich in phosphates and nitrogenous matter; but as produced in the South it was what Colonel Smith described as a "mixture of cotton seed meal, acid and kainit" and he added that it "makes as good a fertilizer as any."³¹ The cottonseed meal served to combine acid phosphate and potash, kainit, a natural salt, being the source of the latter. Georgia farmers were sure that guano was their best fertilizer, and one of Smith's fellow large Oglethorpe County farmers added his approval: "No one doubts that guano made with cotton seed meal as a basis is the very best for our lands."³²

Colonel Smith would have been ashamed of himself if he had neglected this great opportunity of entering into the guano business. He would profit from making the guano he himself used and he would profit from selling it to the farmers of upper Georgia; but he would not profit too much, for in 1888 it was

stated by the editor of the *Oglethorpe Echo*, the only newspaper in the county, that guano was selling for \$40 a ton before Colonel Smith entered the business; now it was \$25 a ton.³³ His mixing equipment was housed in a brick structure, where in 1906 it was turning out from twenty to twenty-five tons daily. He made from 2,000 to 4,000 tons annually, about half of which he sold. In 1887 what he sold amounted to about \$30,000. In 1911, he sold 2,132 tons at a profit of \$3.50 a ton.³⁴

Smith had a well-organized sales department. Farmers living within wagoning distance of his factory drove there to haul away their supplies—"And still they come for guano," stated a news item in 1892.³⁵ Others were served by railroads, at first the Georgia Railroad, running from Athens to Augusta, and later, also by the Seaboard extending from Atlanta through Athens northeastward through South Carolina—most of Colonel Jim's plantation lying between these two railroads, which were at this point about ten miles apart. Until he built his own railroads connecting these two systems, he used Winterville and Five Forks (later Colbert) respectively as shipping points. At Winterville, Antioch (later Stephens), Hutchens, and Union Point (all on the Georgia Railroad) he had his own warehouses, built on the railroad's property with their consent and without charge. These were small buildings, generally 20 by 30 feet, and designed for storing cottonseed as well as guano.³⁶ He had traveling salesmen as well as agencies established at various small towns and country crossroads settlements. His special trade brand was "Davy Crockett," whose memory was still green in East Tennessee where Colonel Jim had received his college education.³⁷ The smell of guano in the springtime was too much for the local news reporter in Lexington, the county seat for Oglethorpe, in 1892, who noted: "Guano men are not as numerous this spring as usual, and it is hoped not so much of the aromatic nosegay will be sold."³⁸

Farmers generally bought their guano on credit, and there were various methods of collection. In 1895 agents were selling guano at about \$23 a ton and taking a promissory note calling for the delivery of 400 pounds of cotton in the fall for each ton of guano.³⁹ As an example of some of Colonel Smith's dealings, in 1889 he sold to a Greene County farmer five sacks of "Davy Crockett," for \$13.35. Amply protecting himself for the payment of this small sum, Colonel Jim took a mortgage on

all the crops raised on the farm and a "spotted cow, name Rose." The farmer waived all homestead exemptions and agreed to pay all costs if a suit for collections should be necessary. Colonel Jim guaranteed the "analytical standard" of his guano but was not responsible "in anywise for practical results," and he was to receive 8 per cent interest, which was the legal rate.⁴⁰

Despite his approval of the campaign to reduce the use of commercial fertilizers by 25 per cent, Colonel Smith always believed in the efficacy of commercial fertilizers and was convinced that they had saved the farmers of Georgia from utter ruin and from migrating to the West. Before commercial fertilizers came to be generally used, Colonel Smith said in 1908, farmers could hardly make a living with cotton at 20 cents a pound and with land selling at \$2 to \$3 an acre; but now by the use of fertilizers, farmers could be prosperous with cotton at 10 cents a pound and land selling from \$30 to \$40 an acre. Colonel Smith made these statements in arguing against a bill then before the legislature calling for an additional tax on fertilizer to help finance the District Agricultural and Mechanical Schools and the College of Agriculture, which had recently been set up.⁴¹

Another kind of activity in Colonel Smith's community of interests was grinding grain. He had a gristmill for grinding wheat, his own as well as that of his customers. He also had a corn mill, which took the customary tolls. He had a wood-working shop, where in conjunction with his blacksmith shop, he made wagons and even railroad cars. In his blacksmith shop he had a steam engine for running certain parts of it, especially for a trip-hammer which molded and shaped plows, shears for cutting cold steel, tire-shrinkers, and various other tools. He had three furnaces in the shop. It took only three men to run his plow machinery, shaping, sharpening, and setting plows, whereas it would have taken from six to eight blacksmiths with an equal number of strikers and helpers to do the work under the old anvil method. The work to be done in this division of his shop was almost constant, since he ran as high as four hundred plows on his plantation.

In his earlier times Colonel Smith had separate engines to provide power for his various enterprises, but by the end of the 1880's he had set down a 100-horsepower engine and so grouped his buildings as to have it provide the necessary power.

But by the twentieth century he had gone back to using separate engines for some of his largest factories.⁴² Also he had a planing mill, and sawmills on the outlying parts of his lands.

Some of the buildings of this great compound needed no power; they were to provide shelter for his animals and storage space for cotton, hay, grain, and other farm crops. In 1888 he was in the process of building a barn, the largest in the county and reputed to be the largest in the state, and was said by the most enthusiastic viewers, who had no basis of comparison, to be the largest in the whole country. It was 500 feet long, 40 feet wide, two stories high, and surrounded by a 25-foot lean-to shed. A visitor reported in 1890 that Colonel Jim had recently completed "two enormous new barns."⁴³

Such a little kingdom with its many activities and large concentration of people naturally called for merchandising, and Colonel Smith did not neglect this opportunity to add to his wealth. He had two storehouses with cement basements, one made of brick and the other of wood. Here he sold annually from \$75,000 to \$100,000 worth of supplies to his tenants, hired hands, neighboring farmers, and other customers. Although it was said that he charged the "very lowest prices," he sold "on time," and by his own statement, his profits were as high as 25 per cent. There was little that man or beast might need which was not to be found in Colonel Smith's stores—a forerunner of the great department stores.⁴⁴

If all of Colonel Smith's buildings were counted, those concentrated around his headquarters as well as his widely-scattered tenant houses, all buildings both large and small, there were probably 500 on his whole plantation. Almost all of his large factory buildings, storehouses, and barns were made of brick. His wooden buildings he kept painted.⁴⁵

It would, of course, be doing injustice to the memory of Colonel Smith to assume that he was so neglectful of his opportunities as not to make these brick, and while making for himself, not build up a market and supply it. There was an almost inexhaustible supply of good brick clay on his plantation, and he early began molding it into bricks. By 1890 he had the "latest improved brick-making" machinery and in addition to providing for his own needs, he was "helping to supply the Athens market."⁴⁶

Colonel James Monroe Smith "as everybody knows, is the most

successful planter the state has ever had," said the *Atlanta Constitution* in 1900, adding "His farm is the wonder of those who know nothing of agricultural pursuits as it is of many who have tried and failed. Within the limits of his plantation he has established a little world of his own and it is seldom he goes to market to purchase even the common necessities of life."⁴⁷ And so, Georgia afforded no better exemplification of Sidney Lanier's poem "There is More in the Man than there is in the Land," than in the life and works of James Monroe Smith.

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Chapter IV • FREE LABOR
• AND TENANTS
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IN 1906 a visitor, after spending some time on Colonel Smith's plantation, remarked, "It is really dazzling to try to comprehend what a vast amount of business this one man looks after, and everything goes as if by machinery."¹ Organization, regimentation, systematization—these were the secret. Another visitor a dozen and more years earlier had observed: "He has everything systematized, and his business moves off as smoothly as a train of cars. There is a boss for every field and department, and he is held strictly accountable for the hands under his guidance."²

No army was better organized or commanded than Colonel Smith's enterprises. They were divided into three departments: cultivated farmlands, manufactories, and livestock. From the standpoint of his labor supply, there were these divisions: wage hands, tenants, and convicts.

He laid off his thousands of acres into fields for various crops, rotating them on the same fields as well as choosing other fields for them. He connected his fields with roads, which crossed on bridges, streams, or sharp depressions. As for gullies, he had none; for he terraced his hills and ran ditches where they seemed necessary. He recovered his lowlands along streams by drainage ditches ("blind ditches," covered over with soil) and by constructing levees. In 1887 a terrific storm and flood burst upon his plantation and destroyed by overflow a crop of from 8,000 to 10,000 bushels of corn growing in his bottomlands along Beaverdam Creek and its tributaries. Though Colonel Jim was not an irreligious man, there developed the tradition that he remarked, "God Almighty may be a just and honest God, but he has mighty poor judgment about

farming." The Colonel began immediately to prepare against any future outbursts of Providence, by constructing bigger levees along his streams. He set out to spend as much as \$5,000 constructing levees along Beaverdam Creek. Here allowing 300 feet on each side for the spread of floodwaters, he constructed his levees twenty-seven feet wide at the bottom, eight feet at the top, and eight feet high. Along the tributaries of Beaverdam and other small streams, he made the levees slightly smaller. To strengthen all his levees he began planting willow trees on them. There was no way to plan against cloudbursts, however; one hit his plantation in 1895 and washed away seventy-five acres of growing crops, carrying away the soil down to the hard clay.³

At first Colonel Smith used rail fences (sometimes called worm fences) to enclose his pastures, barnyards, gardens, and other areas; but by 1891 he had removed all rail fences and substituted three strands of wire with a plank at the top which he kept well painted. For his hog pastures, a little more substantial fences were needed, and the planks might well be put at the bottom.⁴

One of the great problems of modern civilization, which was long to continue unsolved for the country as a whole, was how to reconcile and harmonize the interests and demands of labor and management. This was no problem for Colonel Jim, for he had his labor force divided into three categories. There were his free hired laborers and tenants, who were at liberty to leave at any time when their agreements had been complied with. His convicts, whom he leased from the state, were a constant labor supply until his lease should expire or the convict should have served the time imposed by the court as punishment for crime.

Although there were few misunderstandings between labor and management on Colonel Jim's plantation, there was the problem of a sufficient supply of labor, which he never completely solved to his own satisfaction. Though the majority of the people lived in the country, it was difficult to collect a large number of dependable workmen and keep them—especially in the face of labor agents from states to the westward who circulated in Georgia, enticing away whoever could be induced to go. And though these labor agents were later forbidden by law, they continued to be a menace through their subterfuges.

And thus it was that the traditional story of Colonel Jim stopping the train arose. It seems that a labor agent was making away with some of Colonel Jim's workmen, and when he learned of it, he had the train stopped in order to remove them. The railroad company charged Colonel Jim \$100 a minute for the delay, and as it took fifteen minutes to recover his workmen, the operation cost him \$1,500.⁵ There were other and legitimate drains on the supply of country laborers, as railway construction and other so-called "public works" drew them away.

In 1872 Colonel Smith had thirteen wage hands; he probably never had more than 250; though taking in addition all of his tenants and their families, and the families of his wage hands, the convicts, and his managerial force (foremen, couriers, and office help), the total number of workers on his plantation numbered more than a thousand at the height of his operations. In the 1890's he was paying his hired labor fifty cents a day with a house in which to live and a small garden patch. As he paid them only for the days on which they worked, their wages ran about \$150 a year; women worked for less and received about \$100 a year. In the twentieth century he was paying them \$5 a week. He made various agreements with his Negro workmen. Some were paid at the end of the month and others at the end of the year. In the interim he credited them for their supplies, and the books were balanced at the end of these periods. Practically all of his wage hands and tenants—and, indeed, his convicts—were Negroes.⁶

Until almost the end of his life, Colonel Smith's most effective workmen were his hired hands; they tended the most acres and raised the largest crops. This was so because he had greater control over them than he did over his tenants, though he made up his mind after the first few years in using tenants that they must farm according to his instructions or they must leave. His supervision was best for him as well as for his tenants. In 1868, when Colonel Smith had five tenants, who were farming according to their ideas but not according to Colonel Smith's, he called them together and informed them that thereafter they would farm according to his methods if they remained on his land. Two stayed and three left. In telling of this incident, he remarked, "I concluded that from now on I was going to be boss, and carry out my own ideas about

farming.”⁷ According to a story, one year a certain tenant made no profit at all. Colonel Jim thereupon decided that he would keep close supervision of this tenant the following year. At the end of the year the Negro had cleared \$3,000, and Colonel Jim said to him, “Now, you see, you have done well this year.” The Negro replied, “Yes, Massa Jim, I has don’ well, but if you hadn’t a-worried me so much, I would’ve a-don’ better.”

In its original meaning, a tenant was anyone who held possession of real estate under one of several rights or agreements. According to the system of tenantry which had developed in Georgia and in the South generally by this time, if the occupant had nothing to offer but his labor, as was often the case, the landlord had to furnish him mules, farm implements, fertilizer, and stand for his food and other up-keep until the crops should be produced. Under this arrangement the tenant got a third of the cotton and a fourth of the corn. But if the tenant furnished everything but the land, then the division of the crop was reversed; now the landlord would get a third of the cotton and a fourth of the corn. Under this arrangement, the tenant was called a share cropper. Cotton was king under the tenant system, for it could readily be transformed into money, a certain amount of which the tenant must have.⁸ With all of Colonel Smith’s arguments against making cotton a principal crop it had to be so with his tenants. As he said in 1899: “It will be a long time before the Southern farmer gives up cotton. It is easy to market, brings ready cash, leaves a good fertilizer, a good food for cattle, and oil that brings cash, at any time. When a man raises his food crops and keeps his land up cotton is a good crop.”⁹ Even when a renter agreed to pay cash for the use of land, it was generally translated into cotton and paid in that medium. In his latter years, Colonel Smith had most of his land rented out to tenants.¹⁰ This was so because wage labor was becoming more difficult to obtain, and less dependable, and at this time he was able to secure more intelligent tenants with more equipment who could rent larger tracts of land. These were now white people, some of whom were landowners themselves and by becoming tenants added to the land they were able to cultivate.

Before these latter days, Colonel Smith’s tenants not only made the minor part of his crops but they were also less effective

laborers—even with all of his supervision. In 1899 tenants averaged seven bales of cotton per mule, whereas wage hands averaged fifteen bales. This should not be too surprising, since the wage hands not only had Colonel Smith's close supervision but also all of his resources back of them—for in fact this was Colonel Smith himself operating. Tenants were sometimes called "half-hands," for at certain times they worked as wage hands for Colonel Smith. But the wage hands themselves were the most valuable part of his labor establishment. These hands not only worked in the fields, but for the most part they took care of his dairy, his cattle and hogs, worked in his gins, oil mills, fertilizer factories, gristmills, wagon shops, blacksmith shops, and constructed his tenant houses and other buildings. Colonel Smith declared that he had made through wage labor the money with which he had bought most of his land and that he found wage hands "more profitable than any other kind."¹¹ A visitor on his farm in 1900 was surprised at the quality and efficiency of Colonel Smith's labor, and added "I attribute much of his success to it."¹² Another visitor, who studied the Colonel's methods, concluded: "He is a capitalist who swears by labor and calls it the cornerstone of his success."¹³

Colonel Smith's tenants, as well as wage hands, lived in locations scattered over his plantation, called "settlements." Of these, he had a hundred in 1910. Some consisted of merely one house, but others were groups of houses. Here were cribs, cotton houses, mule and cow barns with pastures, and gardens, the whole compound running from five to twenty-five acres, all surrounded by fences. There were schools and churches convenient to each settlement; and a network of eight major plantation roads with branches which brought these settlements together into a unit. There were no huts on his plantation. His houses were frame dwellings, from two to ten rooms (averaging four), and most of them were kept well painted. Few yards were without their vines and flower beds.¹⁴

Since almost all people on Colonel Smith's plantation were Negroes (wage hands, tenants, and convicts), successful management of them made it necessary that he know thoroughly the character, capabilities, and peculiar racial traits of these colored people. A long-time friend of Colonel Smith's who was a constant visitor and even resident for months at a time on the plantation, Colonel T. Larry Gantt, said: "He is a superior

judge of human nature, and what Col. Smith doesn't know about the nigger is not worth learning. He can take the most trifling vagabond in the country, and in a short time make a good hand of him. He says there are some negroes you can govern by praise, while others it will ruin."¹⁵ An Atlanta newspaper made this comment: "He believes in the negro and the negro believes in him. The result of these two causes is comfort for the negro man and work for Mr. Smith."¹⁶

Colonel Smith said that the Negro was like a tool: "if you know how to use it, it will do you good service."¹⁷ It was a rule with the Colonel that everybody on his plantation should work; even the children could pile brush. In 1887 a visitor—and Colonel Jim never seemed to be without one or more—remarked, "No idlers are seen here. The rule on the farm is that everything that eats must work." Negroes rarely left the plantation, for Colonel Smith "was scrupulously just to them, pays his hands the highest wages, and then demands in return an honest day's work." He knew every Negro by name and something about his nature. In fact he knew "just as much about a negro as the darky knows about himself." He let his Negroes keep a cow, a pig, and cultivate a garden, "and last but not least, own a dog."¹⁸

An agricultural expert gave this estimate as his considered judgment: "The admiration the negroes had for him was marvelous. They considered it an honor to work for him and to live on his place—that is, those who liked to work." He soon got rid of the drones "and the tales told of his severity upon his labor are told by this class."¹⁹ Almost a half century after Colonel Smith's death, this tall tale could be heard among Negroes in the vicinity of the old plantation: "One time ole Massa Jim got on de train to go ter Atlanty, an' when de folks found out dat he wus on de train dey started runnin' out de doors and climbin out de winders, and fust thing you knowed dere warnt no body on de train but Cunnel Jim an' de conductor." But at the same time among the more intelligent people there was a refrain of praise—as was true in the lifetime of Colonel Smith. A law student at the University of Georgia, who was one of Colonel Smith's office force during summer vacations, remembered about fifty years later: "Those niggers feared him, but they loved him, too. He was accused of peonage, but actually you couldn't drive those niggers away."²⁰ A visitor

in 1900 made a like statement about the Negroes being attached to the plantation: "I do not suppose there is a farm in Georgia, where negroes are born on a place and stay on it, generation after generation, as they do on Capt. Smith's. These negroes take a pride in the place—in its bigness and its success."²¹

Colonel Smith in showing a newspaper reporter around over his plantation in 1899 explained: "The people you see about here are contented. They are not driven. They go about their work willingly and take an interest in it. That is the only way in which you can get anything original out of a man. When you drive him you get nothing that he can keep from you. When you make him your friend and interest him you get all there is in him, and it pays." The reporter observed: "His relation to the negroes is almost patriarchal. They obey him implicitly and there is every evidence of respect in their demeanor, but there is nothing abject in the relation. Apparently stern at times, he is always considerate and kindly even to the humblest of them. He is a keen judge of human nature and knows how to bring out the best that is in a man."²²

Colonel Smith provided schools for the children of his Negro workmen and tenants and saw to it that they had churches to worship in. When he with this same reporter was riding over the plantation, they met up with about forty Negro children. Colonel Smith halted and decided to show his visitor how well the children had learned their spelling lessons. He began with *Baker* and got to such difficult words as *Hostility* and *Muleback*. One in attempting to spell *Muleback* missed it and spelled it *Murlback*, but another quickly corrected him. Colonel Smith had a rule against his Negroes gambling, and he frowned strongly on their having or drinking whiskey. He observed, "You can't find a deck of cards on the place. I would raise as big a fuss over that as I would over stealing a hog."²³

Knowing when to sell cotton was not for everybody, and certainly not for Negro tenants. Colonel Smith would hold their cotton for the best market prices, and often would surprise them with the amount of money he was able to get for it. An old Negro woman tenant had through Smith's sales of her cotton been able to buy four mules and have on hand plenty of feed and food, and in 1904 to receive \$700 in cash for her crops.²⁴ In 1909 in looking back on his treatment of his Negro

workmen and tenants as well as of other Negroes with whom he had dealings, he said: "No man has done more, if so much, as I have done for the general good of the negro. I have sold many negroes land and waited on them for a number of years to pay for it in consequence of which there are many negroes in this section of the country who today own good homes, who, in all probability, would never have owned them if I had not aided them so liberally. Among these there is one negro in Oglethorpe county to whom, some years since, I sold a large tract of land, consisting of 900 acres, at a very reasonable price, and gave him six years in which to pay for it. With this crop he will finish paying for this land."²⁵

Colonel Smith encouraged early marriages as a stabilizing and moral influence on his Negro population, and he provided houses for newly-married couples. Sometimes he would build and furnish houses especially for them. In watermelon season he would on occasion and especially on week-ends, when the day's work was over, line up his Negroes and give each adult a watermelon. Sometimes he would give them excursions over his plantation railroads, and once or twice a year he allowed them to go on excursions to Charleston, Savannah, Atlanta, Macon, or to some other city. Probably the occasion which they longest remembered was in November, 1889, when the Northeast Georgia Fair was held in Athens, about fifteen miles away. It was on the fourth day when the Great Wild West Show was held. Like a great medieval lord with his retainers and villeins, he took them to Athens, 800 strong and gave them a treat to this grand display. The newspaper reporter on this occasion declared that Colonel Smith was "one of Oglethorpe's cleverest and most genial gentlemen," and was "always ready to aid any worthy enterprise."²⁶

Colonel Smith helped the Negroes on his plantation "to the extent of thousands of dollars" in building and maintaining churches and schools for them. This aid was in addition to the scanty appropriations which the state and county made for both white and Negro education. Looking back in 1909 over the past forty years he said that he had had thousands of Negroes in his employ and added: "No negro in my employment who ever came to me and said he was out of rations, barefooted, needed clothes, medicine or money went away dissatisfied. I kept a

physician employed by the year, who came every day and gave medical attention to every negro on my farm who needed it." He allowed any of his Negroes who happened to be elected delegates to church and lodge meetings, to attend in any part of the state. To attend nearby Sunday gatherings he allowed them to use his mules and buggies. In fact one of the complaints of Colonel Jim's neighbors was that he was treating his Negro workmen and tenants too well. On this subject he observed: "It has often been remarked that the negroes in my employment had better houses in which to live, more furniture in their houses, more and better clothes to wear, more money, and looked better than the average negro of the country."²⁷

But in his little kingdom, which was said to have numbered in 1899 one and a quarter thousand men, women, and children, "probably the largest diversified farm in America," Colonel Smith's will was law. Said the Colonel, that during all the years when he was "handling these hundreds of negroes from day to day and from year to year, I never carried a weapon of any kind and never hurt one in the least."²⁸ There were no police, no constabulary, no sheriffs or deputies; that Colonel Smith said so was sufficient for the enforcement of his decrees. And there were surprisingly few disturbances among a people who found it difficult in all times and places to keep from engaging in some violence. He enforced what sanitation was possible on a great plantation, and there were no visitations of epidemics or pestilences. Ordinary sicknesses and ailments were attended to by his plantation physician, and all cases needing attention were reported to him, and Colonel Smith bore part or all of the expenses.²⁹

Colonel Smith said that one must make a laborer realize his responsibility: "I tell a man, 'I want you to go and do *this thing in this way*'" and he held him to it—thus he fixed responsibility.³⁰ Once the Colonel set a Negro to watching a herd of cattle grazing near his cornfield. The Negro went to sleep; the cows broke into the cornfield and destroyed fifty acres of corn worth \$2,000. The Negro left Colonel Jim's employment without reporting back. Putting his fertile mind to work, Colonel Jim set one Negro to watching the cattle and another Negro to watch the first one, and if he should find Number 1 asleep he would receive a reward of \$2, to be de-

ducted from the wages of the sleeping Negro. This arrangement worked for a time, but soon the two Negroes entered into a scheme whereby both might take a nap, and Number 2 would divide half the reward with Number 1. In bragging how they got ahead of the Colonel, Number 1 told a neighbor "Dat if Marse Jim wid his jedgment and edication was sharp like us niggers he would do well."³¹

In the morning after a hearty breakfast Colonel Smith's labor force set out by sun-up, organized and instructed to the minutest detail, like an invading army bent on whatever conquests had been set for the day. All were under the direction of foremen and their lieutenants, divided into gangs whose duties depended on how far the season had advanced—varying with planting, cultivating, and harvesting. At a particular time there would be gangs of hoe hands and plow hands, the former generally being women and boys. In June, 1897, a visitor reported seeing forty-five Negro women hoeing all in unison with their hoes gleaming in the sunlight "appearing as terrible as a small army with banners." He saw eighty-one plows going as another invading army, all divided into gangs of six plows with a "peart" plowman setting the pace for the others of his gang, by plowing every sixth furrow. Other workers were engaged in various pursuits. And there was a general manager, riding over the plantation and likely to turn up at any place, to see that all was progressing in proper order—and at the head of the hierarchy was, of course, Colonel Smith himself. At noon all activity ceased. Food for the workers and feed for the work animals were brought out on wagons or on railway cars if near one of Colonel Jim's railroads. The food was either in individual buckets or in large barrels with dippers and plates. Having served themselves, the workmen retreated to the shades of a grove, if one were nearby, and with mules being fed in another part, the whole picture appeared as one of an army of cavalrymen encamped. At this time of the year, the food would be side-meat, turnip greens, peas, beans, corn bread, and barrels of soup. In this particular army there were 325 wage hands, and all were Negroes.³²

There was something for some of the workmen to do the year round, summer and winter, rain and shine. A college student visiting Colonel Smith in February, 1906, saw on a rainy day eighty women beating out peas on the barn floor

and shucking corn, while a gang of men went to the woods with axes and mauls to split rails.³³ In slack seasons when there was little cultivating to be done, Colonel Smith set about clearing more land. With his methodical organization for any task which he set out to do, Colonel Smith on four days in May, 1892 cleared, burned off, broke up, bedded, and planted eighty acres of cotton. He began on the first day with an army of axe-men and brush burners; then came sixteen wagons hauling off wood; next thirty-two plows started breaking up the land, followed by more plows which bedded the land and ran furrows; and at the end of the fourth day he had reduced eighty acres of woodland into a well cultivated cotton field, all planted and awaiting nature's part in producing probably eighty bales of cotton in the fall.³⁴ It was a normal procedure for Colonel Jim to clear ten acres of woodland a day. A visitor on a January day found him directing some clearing operations. There were seventy-five cutting down trees, twenty-five sawing up the wood and splitting it, twenty hauling off the wood, and fifty women and children piling up the brush and burning it.

When it came to harvesting crops, cotton-picking was largely the work of women and children, though when the press of work permitted men might also engage in this activity. When it came to harvesting grain, Colonel Smith depended largely on scythes and cradles. To see a regiment of scythemen progressing in echelon across a field of grain, followed by tye-men and shockers—this was enough to inspire any visitor. Colonel Jim had a few reaping and binding machines, but as he had to keep a large labor supply for cotton-picking time (there being no cotton-picking machines at that time), rather than have many of his workmen doing nothing during reaping time if he used the harvesting machines, he kept to the old methods.³⁶

Most of Colonel Smith's agricultural foremen and their lieutenants were Negroes. In his earlier days Colonel Jim used white men, but he soon found that Negroes worked better under Negro foremen; but he had to warn them against pushing the workmen too hard. "Pleas" Harper was one of Smith's "most trusted and valuable employees." He worked for Smith for fifteen years preceding his death in 1900, and was reputed to have been worth \$10,000.³⁷ A colored foreman in whom Colonel Smith had special confidence and who out-lived Smith by many years was Fletcher Kidd.

JIM SMITH'S PLANTATION

JIM SMITH'S PLANTATION

JIM SMITH

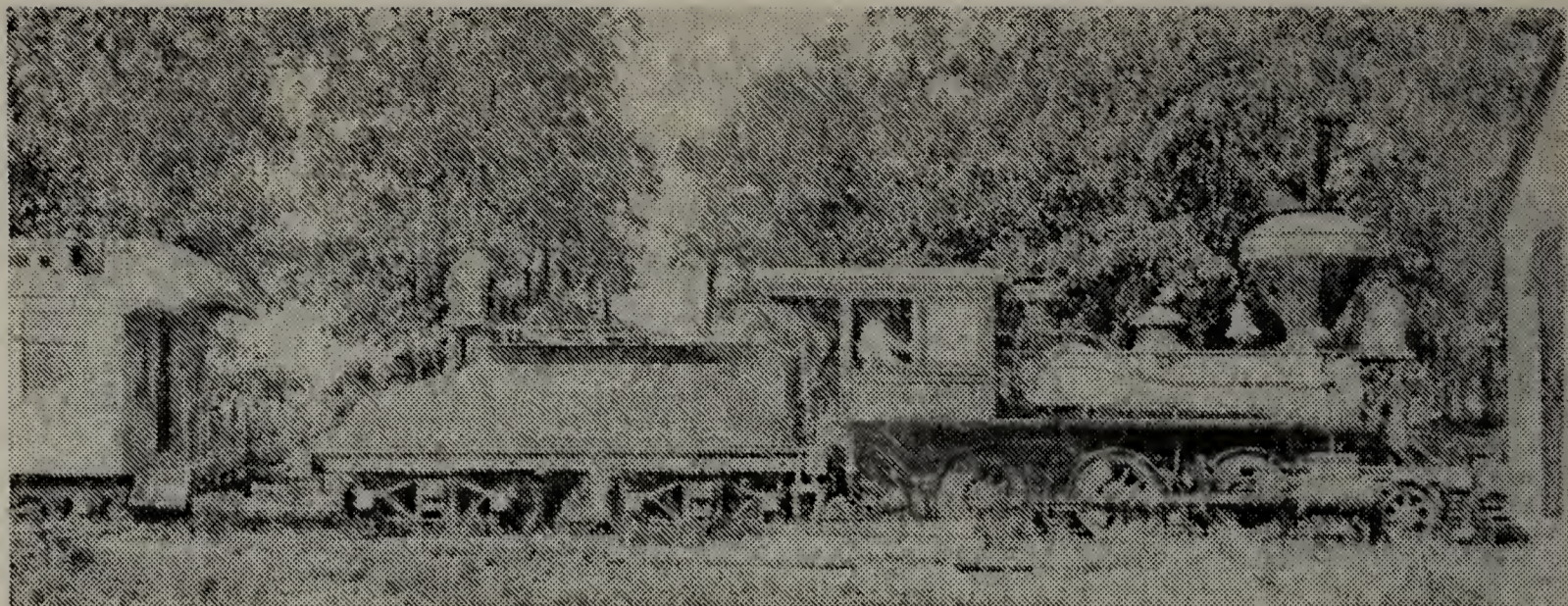
JEREMIAH ANOTHER FAVORITE

GENOS A FAVORITE

BARN AND STALLS FOR DAIRY HERD

A VIEW OF THE FACTORY

From the *Atlanta Journal*, April 1, 1899



TRAIN ON SMITH'S PRIVATE RAILROAD

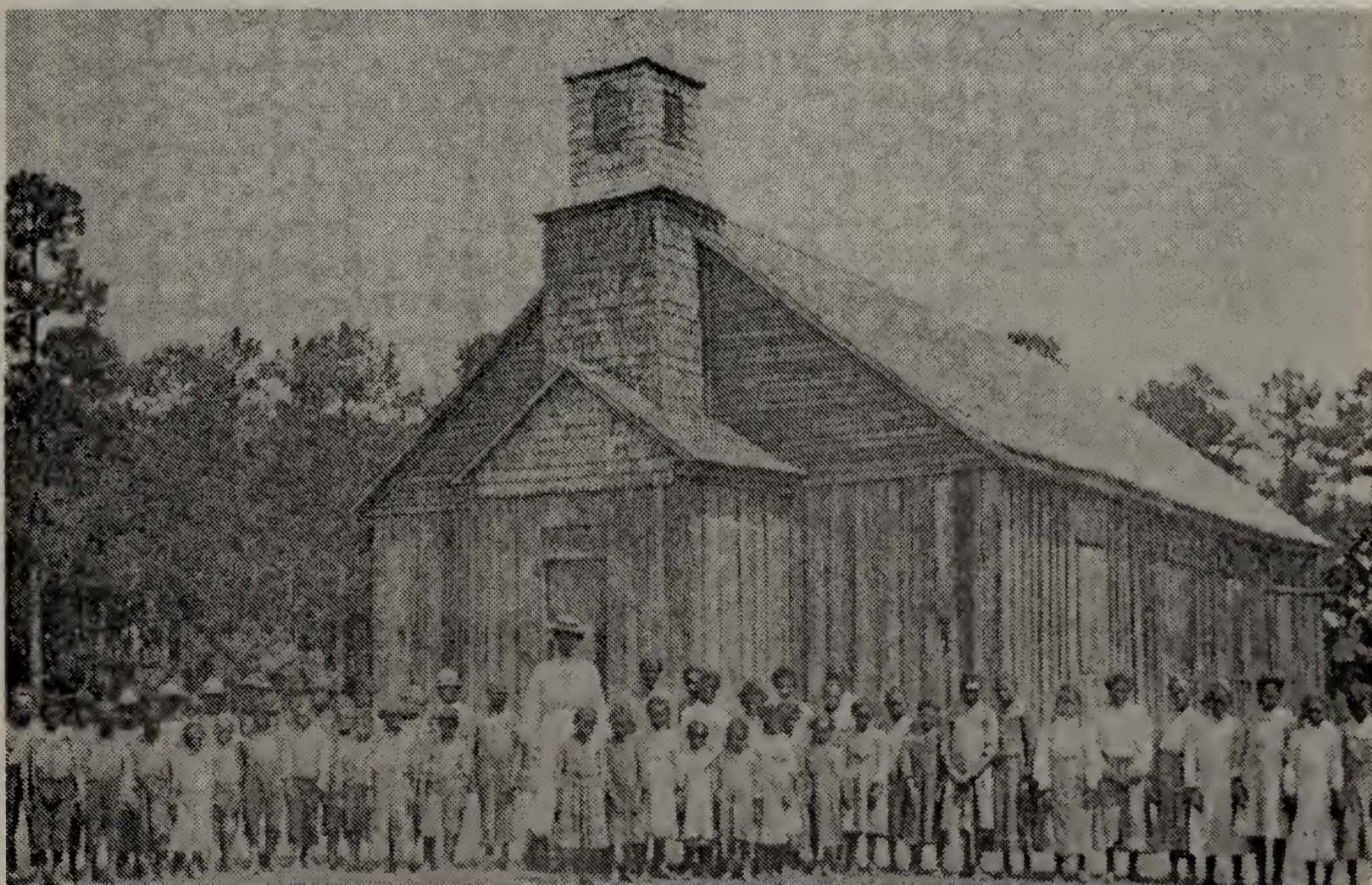
The picture above and others of this group are from Harry Hodgson, Sr., "A Great Farmer at Work," in *The World's Work*, IX, 3 (January, 1905)



COLONEL SMITH SENDS ORDERS BY A COURIER



COLONEL SMITH ON HIS VERANDA



ONE OF SIX SCHOOLS ON SMITH'S PLANTATION



A WATERMELON PARTY FOR SMITHONIA HANDS

The foremen for the various manufacturing and processing industries on the plantation were white men. Two of Colonel Smith's nephews, who were his favorite kin, were foremen until their deaths. Coming to Smith when he was eighteen years old and out-living the Colonel was Taylor Estes, who began as a sawmill hand, but later was put in charge of the machinery on the plantation and especially the railroad locomotives. Estes' wife was a relation of Colonel Jim's through a sister of his mother. As an indication of wages paid white foremen, Estes' wages in the 1880's were \$204 a year; in the 1890's they had increased to \$600; and after 1900 they were \$720 annually. Colonel Jim had a system of inducing his white foremen and probably some of his Negro foremen and even some of his outstanding wage hands to leave part of their earnings in his possession, to be paid at some later time.³⁸

The draft power on the plantation was provided by mules—hundreds of them. They pulled from 250 to as many as 400 plows, but very seldom the latter number. One mule could cultivate as much as twenty-six acres. In 1887, it was reported that Colonel Smith had 300 "of as fine mules as were ever brought from Kentucky, costing him \$50,000." Every mule had a name and he knew every mule by its name, even as he did his Negroes. Mule names were generally one-syllable and ran such as these: Tom, Dan, Kit, Beck, Magg, Jim, Ada, Zeb, Sue, Joe. Not all of Colonel Jim's mules came from Kentucky; he bought many from Tennessee. His method of buying was to order three car loads and make an agreement that he would pay the freight on only those which he kept. In testing out these mules he would set a group of plow hands to running furrows. Those mules which walked fast he kept. He knew mule nature as well as human nature. He insisted that a fast mule would do twice the work done by a slow mule, and that a slow mule could never be made into a fast one. They were born that way.³⁹

Convict labor was a very special problem, which gave Colonel Smith much worry and little profit and loomed so big in establishing his hearsay reputation both before his death and afterwards that it commands thorough treatment which will appear later.

At the head of everything, the architect of this amazing little empire, the Alpha and the Omega, was James Monroe Smith,

colonel by courtesy, a title awarded by his fellowman. His well-ordered brain was the powerhouse, and his fingers like tentacles reached out in every direction. His days were full and he spent most of them on his plantation, in his home, which was his office, in the fields for close inspection of what went on, or driving from one part of the estate to another. A visitor in 1887 found him in the field directing the work of sixty plowmen: "From a distance I could detect the gigantic form of the proprietor clad in a blue suit of cotton cloth, and in the midst of the mules and hands that were working like maggots."⁴⁰ Colonel Jim was running a few furrows to show how it was best done. He rode through his plantation in a two-horse buggy, with two couriers or outriders, Negro boys, on mules, who opened gates and carried messages. In his latter days, when his health was failing, he sometimes had a wagon with a mattress on it to follow his buggy.⁴¹

His front porch was his office except in mid-winter. Here he carried on his business in an orderly and systematic fashion. Agents, drummers, cotton buyers, businessmen—all came to him here. For most of his life he refused to have a telephone in his house, for it would be continually ringing and interrupting him. The nearest one was at Five Forks (later Colbert) about four miles away. To see him at nightfall receiving from his foremen reports of the day's work and giving out instructions for the morrow was an experience which no one forgot. A visitor in June, 1897, arrived in the midst of these activities. He saw long lines of workmen and mules filing past—the "continuous tramp of mules, the rattle of the gear, the indistinct voices of the negroes and the flash of lanterns here and there made up a scene both animated and weird." Before all business had been attended to, before Colonel Jim found out exactly what had been done that day and the foremen knew exactly what they had to do the next day, it might well be midnight. A stenographer was always present to keep an exact record. The next morning from the main headquarters and from other points on the plantation all was animation, and caravan-like, the plowmen, the wagonmen, the hoe hands, and everyone who had a task to do moved off to his assigned location.

Having retired late, Colonel Smith slept late in the morning. The guest was up early and had long since enjoyed a hearty

plantation breakfast before the Colonel appeared. In the meantime, awaiting "Massa Jim" and any instruction he might have, a group of Negro boys had congregated in the yard, and Negro-like they were soon scuffling, and as often happened a mild fight ensued, but it was all in silence for they knew they must not disturb the slumbers of Massa Jim. To the visitor the fight "was as silent as if so many snakes were in a battle."⁴² Another chance guest in describing his visit added some details. Bringing some friends, he arrived about eight o'clock in the evening, after Colonel Smith had had his supper and was sitting on his front porch in a rocker smoking a cigar, with his feet on another chair. He immediately ordered supper for the visitors. Nearby was a Negro boy standing at a table, on which were two lanterns. Five or six white men were sitting around and about, and on the steps were a half dozen Negroes and two dozen more on the fence—all awaiting their turn to make their reports or to state their wants. Everyone kept his place, and the Colonel took them one at a time. He kept a little pad of paper on which he wrote out instructions or an order on the store when the Negro wanted something.⁴³

Of course there was more to it than his front porch. He had his inside office with his secretary or two and a typist, and in the basement of his house he had a great vault in which he kept his records. There were complete records on every workman and every business transaction which the Colonel made, and when settling-up time came the bookkeeper would go over every entry with the workman, "calling out each item charged to him. If there were any errors they were corrected." According to Colonel Smith, "On my books I have a record of what was paid to each laborer and when it was paid. I also have a record of all the labor done for me by each and every person who ever worked for me."⁴⁴ Colonel Smith dictated to a secretary most of his letters, though in his earlier days he wrote out in a neat clear longhand some of his correspondence. He generally left his typed letters to be signed by his secretary.⁴⁵

As has been mentioned, Colonel Smith in his latter days turned over most of his land to tenants, and the reasons given were that wage hands were more difficult to secure and their dependability had greatly depreciated. It was at this time, beginning in 1907, that charges of peonage on his plantation were being brought against him. These charges were so groundless

that the United States District Attorney did not bring them before a grand jury, and an Athens newspaper reporter indignantly said: "Everyone who knows Col. Smith and has had an opportunity of visiting his farm was fully convinced that he not only was not guilty of peonage but on the contrary has always treated the negro well and has been his friend.

"The average peonage case is without foundation and generally springs from a desire on the part of some negro to get revenge on his employer for refusing to let him do as he pleases."⁴⁶

Two years later new peonage charges were being levelled against Colonel Smith, and on the face of them there seemed to be so much substance that Federal agents were soon out to secure evidence. It all grew out of an action in the police court of Atlanta, in which Negroes testifying in a matter that actually did not relate to Colonel Smith, brought charges of peonage against him—"which for mendacity and downright lying straight from the shoulder, has seldom been equaled and rarely excelled," according to Smith. They claimed that they had been paid nothing for their labor, that they had been whipped, and that they had been arrested to be taken back.⁴⁷

Colonel Smith in a letter to the state press defended himself with a recital of such undeniable facts with such irrefutable logic, and in such vitriolic language peppered with a feeling of righteous indignation, that nothing further was heard of these charges of peonage. Instead of cheating his Negro workmen and taking advantage of them in any way, he said that he had always helped them. "I always made them do good and faithful work and made good crops, and was able to pay them all that I promised them. I always paid the highest wages of any farmer in my section of the country. My neighbors and friends sometimes complained that I was paying higher wages than they could afford to pay." He declared that no one had done more, "if so much, as I have done for the general good of the negro. It has often been used against me that I was doing too much for the negro."

But times were fast changing; a new generation of Negroes was coming along, who had few of the graces and none of the dependability of their forebears. Colonel Smith had well noted this change taking place on his plantation. Not all of his workmen were affected with this decline in honesty and morality,

but when this "worst class got full control of the better class, as they finally did, they began to gamble more, to drink more whiskey, to carry concealed weapons; they began to steal hogs and cows and to break into stores, granaries, commissaries, corn cribs, etc.; one, occasionally, was bold enough to steal a mule or a horse. Finally they engaged in burning. In ten years I lost from incendiary fires not less than \$150,000 worth of property, on which I had no insurance." Although he offered as high as \$500 rewards he was never able to bring the culprits to justice.

In a further recital of conditions that prevailed on his plantation in these latter days, he declared that many "of the negroes whom I had employed for wages would, of nights, in remote fields, gather corn out of the fields, pick cotton and in combination with outsiders, take it off and sell it. Some of them would take my mules out of the lot and ride them of nights; occasionally they would steal plantation tools and sell them." And so the story went. Indeed, authority was breaking down in Colonel Smith's little kingdom.

There was now arising in the land a set of reformers who, believing every tale they heard, considered any farmer was potentially guilty of peonage if he hired Negro labor. According to Colonel Smith, "Of late years great efforts, on the part of some people, have been made to make it appear that the farmer who has the negro employed and who is trying to work him on his farm is persecuting the negro. It has become a favorite plan with the negro, and those who are sympathizing [with] and defending him, to insist that the farmer is a great rascal and the negro is a nice man. Every effort made by the farmer to have the negro punished for the crimes which he has committed is construed as an effort on the part of the farmer to control the negro's labor."

Colonel Smith then took up specific cases. Beckie Rucker swore in the Atlanta police court that she had worked thirty-three years for Smith and that he had paid her nothing. To this accusation Colonel Smith replied in his letter: "At least a hundred reputable witnesses can be produced who will swear in any court that Beckie Rucker never worked for me a day in her life." He was surprised at her "arrant and stupendous lie." True enough she had lived on his plantation, and her two sons had worked for him, and had received their wages. He had

"furnished her a house, garden, potato patch and firewood without cost to her" "She lived by my charity," he continued. "Often I have paid a physician to treat her when she complained of being sick, for which I was never paid a cent." It was absolutely untrue that she had to slip away from his plantation. "I have been informed she went away in the day time and moved her household goods with her. I had no objection whatever to her going."

Then there was the testimony of Morgan Bailey, who had been convicted of a heinous crime and served time in the penitentiary. After getting out he came to Colonel Smith for a job and the Colonel hired him. Thereafter "He was always in my debt. He was lazy, trifling, and an all-round mean negro; besides he was constantly stealing something; despairing of ever getting him out of my debt I dismissed him and pocketed the loss. He is an ex-convict of the meanest class of convicts and is liable, at any time and anywhere, with or without provocation, to swear to the biggest lie he can think of."

Pearl Lee swore in the police court "to too big a lie for anybody with an ounce of common sense to believe." She was a party to stealing one of Colonel Smith's hogs, slaughtering it, and selling the meat in Athens for \$10. She and her accomplices were then under indictment for the crime.

Manto Ivins, who also swore in the police court, belonged to a "family of thieves, most of whom have served terms in the penitentiary." He would now be on the chain-gang if Colonel Smith had not kept him off. He had often been charged with "gambling, drinking, blind-tigering, carrying concealed weapons, breaking into granaries and corn cribs and stealing wheat and corn, and committing other crimes." He was at that time under indictment for breaking into the house of a poor old Negro man and stealing \$16, all the man had.

It was testimony from such as these which was being used in attempts to convict Colonel Smith of peonage. There was more in all this than met the eye, the Colonel believed: "In my opinion, somebody is making money out of these deluded and ignorant negroes. They are led to believe that they can, by telling and swearing to such lies, as they did in the police court, get money out of me. I am sure that they have either gone crazy or been hypnotized. No one of them can say and tell the truth that I ever mistreated or wronged a single one of them. I helped them to raise their children. I also helped many of

them to send their children to school. When they had become old and decrepit, I have, without pay, taken care of many of the parents of those who are now ready to join any band of cut-throats, who would, if they could, assassinate me of my character and rob me of my money. For gain or hatred or envy or prejudice, there are white men low and groveling enough to help them. It is said the negro has no gratitude. I believe it. I think I know what the peonage laws are. I have been careful not to violate them. Since the peonage laws have been put in force, I have received many blackmailing letters, endeavoring to extort money from me." What he had written did not rest on his veracity alone, "but upon undisputable records and the testimony of hundreds of other persons, both white and black, whose characters are above reproach."

He closed his long letter by saying that he could give many more facts; and he suspected that "in the opinion of some people the greatest offense which I have committed is that by a long life of intense application to business, the exercise of a fair amount of judgment and a reasonable economy, I have accumulated a respectable fortune, and am trying to take care of it."⁴⁸

In an earlier communication to the newspapers of the state Colonel Smith had stated that he would be "pleased to have governmental officials at any time" to come to his plantation, "remain as long as they wish, and make a fair and thorough investigation." He would give them every opportunity to arrive at the truth. He was getting tired of refuting irresponsible charges. "Let those who make charges prove them," he said, "or stop making them or apologize [; that] is the only honorable thing to do." "My life is an open book," he continued. "I am willing to stand or fall by it. Many lies have been told on and about me for political effect; many lies have been told on me for pecuniary gain; many lies have been told on and about me on account of envy and prejudice. I have been a very busy man. I have not had the time to stop and take notice of many of them, knowing full well that if you lie down with dogs you will get up with fleas on you, that if you get into a fight with a skunk you are more than apt to regret it. Those who have no character, no reputation, can generally attack those who have some character and some reputation with impunity."⁴⁹

And thus ended the peonage charges against Colonel James Monroe Smith.

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Chapter V • SMITHONIA
• AND ITS RAILROADS
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IT WOULD have been a strange lapse in the fertile mind of Colonel Smith if he had not built a town somewhere on his thirty-square-mile plantation with its thousand inhabitants and its growing concentration of barns, warehouses, and factories around his homeplace. And it would have been only a little less surprising if he had not soon decided that getting around over his many acres required something more than mule teams and wagons—why not railroads?

The community in which he had bought his first farm was known as Pleasant Hill, which was also the name of the militia district, a division of the state which had originally been designed for raising troops but now useful only as a voting precinct. For a decade and more Colonel Smith could be located by directing the enquirer to Pleasant Hill Village, but as this whole part of the upper end of Oglethorpe County came under the ownership of Smith, the attractive name of Pleasant Hill began to give way to Smithton—Smithdom might have been more descriptive. But if Colonel Smith's name must be a part of the new designation for this settlement, it seemed possible to devise a more euphonious name than Smithton; and so it came to be called Smithonia, which was a more flowing name than Smithsonia, as it was sometimes spelled. In 1889, Colonel Smith finally succeeded in getting the United States Government to establish a post office there, and its official designation was Smithonia.¹

Smithonia was not incorporated as a town until 1905—its name being spelled in the act of incorporation as Smithsonia. Its limits were described as being one mile “in every direction” from a point where the road from Winterville to Comer crossed the road from Colbert (old Five Forks) to Lexington. This

point was about a half mile from Colonel Smith's house. The town was to have a mayor and three councilmen, who should be elected every two years. The other officials, such as a clerk, a marshal, and so on were to be elected by the mayor and councilmen. This town government might exercise the powers customarily given to incorporated places in Georgia.²

Smithonia was in fact never more than an extension of Colonel Smith's own concentration of activities around his home. It was built entirely on his own land by his own money and was occupied only by his own workmen and those people whom he wanted to become his townsmen. It was his town, and he could plan and develop it in any way he pleased. The heart of the town was not inhabited by his Negro workmen and tenants, but by his white foremen and laborers; but since the town extended a mile out in every direction from the center, it, of course, took in a great many of his Negro houses. A visitor in 1897, coming in from Winterville, as he approached Colonel Smith's plantation entered a "broad lane," extending into the center of Smithonia. This lane was "not unlike the main street of a town and indeed the first impression the visitor receives, as he views the place from a distance, is that he is approaching a town of considerable size."³

Booming the town began with great earnestness when it received its post office. A hotel was erected and stores and residences went up; but no lots were sold, for this was Jim Smith's town. A visitor predicted that it would soon become the greatest trade center in the state, outside the main Georgia cities. It was already "beginning to put on city airs," and the news reporter proudly sent out the item that eight drummers were in town the previous week, staying at the hotel, which was opened in the early part of 1889. And news came out of Winterville, Smithonia's nearby neighbor, astride the line between Oglethorpe and Clarke counties, that Smithonia was "the most active business place in Oglethorpe county."⁴

It was perfectly evident to everyone that a country town could never go far; it must transform itself and extend its opportunities by becoming a railroad center; and Smithonia's ambitions were based on this expectation from the beginning. Colonel Smith had for some years past had railroad ambitions, and the first part of his railroad kingdom became a reality in 1889 when he completed a line from a point on the Georgia

Railroad, near Winterville, to Smithonia. News now centered around the approaching railroad. In 1888, the report went out that the railroad was then being built "and we expect to see a train in our burg, when the boom will commence in earnest." And more news: "Our town is still booming with her railroad almost completed, a ten room hotel going up and a large store will be built now soon."⁵

The year 1889 was long to be remembered in Smithonia; that was the year the railroad reached the town and when the post office was established. There were now two mails a day, brought in over the railway, and soon an express office would be set up. Smithonia was never destined to have its own newspaper, but there was for years an active news reporter of the *Oglethorpe Echo*, in Lexington, who acted as a sort of one-man chamber of commerce. In 1892 he noted that a lot of fine forest pine logs had come in over the railroad, to be sawed into lumber, and already the "number of freight cars standing around gives things a city-like appearance." He was careful to report how many acres of cotton or wheat or some other crop Colonel Smith had planted during the last week or how many acres he had reaped. He told, of course, about who was visiting in nearby towns or as far away as Atlanta, or who was a guest of whom in Smithonia, or who had Sunday dinner with whom, and he once told about a bear with a muzzle on it found roaming around over the far reaches of Smithonia—probably one which had strayed away from some traveling Italian showman.⁶

There had been good reason for Colonel Smith to become interested in railroads as his plantation grew larger and larger. Transportation was basic in agriculture and especially so in his various manufacturing enterprises; getting to market, both to buy and to sell made the difference between success and failure. During the first quarter century of his plantation activities, there was only one railroad that came near enough to be of any use. That was the Georgia Railroad, which was about seven miles away at its nearest approach, and the closest station on the road was Winterville. His nearest important market town was Athens, the terminus of the Georgia Railroad, about ten miles beyond Winterville. In 1888, the freight bill for February at the Winterville station was for Colonel Smith \$1,100 on goods he was taking to his plantation. Constantly he kept from ten to twenty-five wagons hauling material to and from

his plantation; and it was not unusual to see one of his four-horse wagon loads of country hams or other produce being driven all the way to Athens. At certain times of the year it took thirty four-horse wagons to move his crops to market. "Surely this gentleman needs his short line railroad," was one comment at this time. Always with his analytical mind at work and his pencil at hand to figure costs Colonel Smith readily had come to the conclusion that railroading was cheaper than wagoning, and that he himself could build his railroads cheaply. He would use both his convicts and his hired hands at "lay-by season," when their labor was not needed in farming. And as building a narrow gauge railroad was considered cheaper than standard gauge and as narrow-gauge fever was on at this time, Colonel Smith decided that his road would be that width—he later changed and built all his railroads standard gauge.⁷

The railroad fever was spreading. Smith "talked railroad to Lexingtonians Tuesday last," reported the editor of the *Oglethorpe Echo* in September, 1888. Colonel Jim was not the only one who talked railroads. The same editor observed a year later: "If talk built railroads every citizen in Oglethorpe would have one almost right at his door." But there was a difference between Colonel Jim and the ordinary citizen; Colonel Jim talked and then acted—and sometimes he acted without talking at all; but he seldom talked without acting. Before he had done much talking about railroads, he had in 1887 petitioned under the General Railroad Act of 1881 as amended in 1883, for the incorporation of the Winterville and Pleasant Hill Railroad Company, to build a railroad from a point on the Georgia Railroad at Winterville to a point at or near Pleasant Hill, a distance estimated at about ten miles. The capital stock was to be \$150,000, divided into 15,000 shares at \$10 each. The principal office was to be at Pleasant Hill, and the railroad was designed "for public use in the conveyance of persons and property." Smith and six others were named as incorporators, Colonel Jim subscribing for 1,000 shares; one of the others, 100 shares; and the other five, 50 shares each.⁸ Soon thereafter Pleasant Hill became Smithonia, and also Colonel Smith had now decided where he would tap the Georgia Railroad. So he applied to the legislature for a new charter. The incorporators would be known as the "Smithonia and Dunlap Railroad Company," Dunlap being the name given to the point

where connection was to be made with the Georgia Railroad.⁹

Everyone seemed now to be watching Colonel Jim and his projected railroads. News was out early in 1888 that he had broken dirt and was grading the roadbed, but this report proved to be immature, for he had not yet made his survey and he would not have labor available until "lay-by time," which would be in the late summer. By February, surveyors were at work, and before the end of March they had completed their work. Colonel Jim estimated that it would take 5,000 days of work to do the grading, and therefore if he put about 170 workmen to digging and leveling, the job could be completed in thirty days. About the middle of July he put fifty hands to work, which he increased to about two hundred within the next ten days. By the end of July he had graded about three miles, and exactly within a month he had reached Smithonia. He immediately began laying crossties—in that very region where thirty years before, as a poor but ambitious boy seeking a place in the world, he had cut crossties for the Georgia Railroad. Now he was cutting crossties for himself."¹⁰

Early the next year (February, 1889) the whistle of the Smithonia and Dunlap Railroad locomotive was heard in Smithonia, as sweet music to the Smithonians. There is no record that a golden or even silver spike was driven into the last crosstie. The first equipment was somewhat rudimentary, consisting of a small engine and probably a flat car and box car or two; but with a great deal of allowance made for laudable enthusiasm, it was reported that the run was made from Smithonia to Dunlap, a distance stated to be seven miles, in eight minutes. A regular schedule was now maintained, and before the end of the year Colonel Smith had bought another locomotive, "more on the regular locomotive style than the engine he has been running." Also he had added a passenger car, probably his first one, "and now everybody wants to take a ride." Colonel Smith's railroad became news all over the state. The editor of the *Atlanta Constitution* noted: "He is the only farmer in the world who makes enough on a plantation to build a railroad. That is a record which we challenge the world to beat."¹¹ The Railroad Commission allowed a passenger rate of five cents a mile, changed by 1908 to "a minimum charge of 25 cents" for the seven-mile run.

Although the Smithonia and Dunlap Railroad had been chartered as a corporation, which was required under the General Railroad Act, it soon came into Colonel Smith's sole possession,

standing him \$75,000, and with his Midas touch he was making 8 per cent on his investment before the first year was out. Within a year or two he was making his own railroad cars, "and they are as good and pretty as any." Colonel Smith's railroad was not very long, but it was as wide as any in the nation (the wider gauge in the South had by now been made to conform to the standard gauge of 4 feet 8½ inches); and as further proof that he had a *bona fide* railroad, he suffered a wreck (or "run-off") within the first year, when a few cars jumped the track, caused by a spread in the rails. And for some of the young Negro boys living along the railroad a thing as interesting and as exciting as a train could not be entirely ignored. For some time the engineer had been seeing small obstructions on the rails, and after setting a trap Colonel Jim's detectives caught the young rascals.¹²

The Smithonia and Dunlap Railroad filled only a small part of Colonel Smith's dream of empire. Making Smithonia the center of this empire, he had plans to run a railroad to Sandycross, about six miles to the southeastward, and probably later he would extend it to Augusta. In this extension he would run the road across Wilkes County, through the Danburg community where he had been born and grew up, and on to the Savannah River at Augusta. Beginning again at Smithonia he would run a railroad northwestward to Five Forks (later Colbert) and thence five miles further to Danielsville, the courthouse town of Madison County, with ambitions later of extending it farther. In his northwestward extension he dreamed of continuing the road through Carnesville, the capital town of Franklin County, and on to Bowersville on the Richmond and Danville Railroad (later Southern). If these plans materialized he would have a railroad running from the Georgia Railroad, which served central and south Georgia, to South Carolina; and if he connected with the Richmond and Danville Railroad (later the Southern), he would join a line which ran from Atlanta through northern South Carolina, central North Carolina and Virginia to Washington.¹³

A half dozen years before Colonel Smith built his Smithonia and Dunlap road, he had been promoting a narrow-gauge road to begin in Athens, and by adding a third rail laid down on the Georgia Railroad track run trains to Winterville, and strike out on its own through Pleasant Hill (at that time) and continue northward to Hartwell in Hart County, which bordered on South Carolina. This plan got nowhere.

By 1887 a railroad had been projected out of Atlanta to continue northeastward through Georgia and South Carolina and eventually on to Washington, D. C. This road began construction under the name of Georgia, Carolina, and Northern (later the Seaboard Air Line), and as it worked its way along, the surveyors keeping well ahead, Colonel Smith was anxious to have it pass through his plantation. If it would do so, he promised to give it without cost a right-of-way across eight miles of his land, build a brick depot at Pleasant Hill, guarantee it 5,000 bales of cotton freight annually, and subscribe to \$5,000 of its stock. If this proposition was not accepted he threatened to build a road to tap the Georgia Railroad. The G. C. & N. passed about four miles to the northward through Five Forks and on through Athens; and Colonel Jim, as good as his word, then, two years later, built his Smithonia and Dunlap Railroad.¹⁴

Colonel Smith was not one to sulk in his tent. Before he had ever heard of the G. C. & N., he had dreamed of building a railroad to the northward from Smithonia, as has been previously noted; and immediately after bringing his S. & D. R. R. to completion he began actively to prepare to build a road to tap the G. C. & N. at Five Forks or, perhaps, at a point five miles to the eastward where he would promote a town. Although this road never got farther than Five Forks, on the G. C. & N., it was chartered under the extended name of Smithonia, Danielsville and Carnesville Railroad Company, with the right to build its main line from Smithonia "through or into the counties of Madison, Franklin and adjoining counties," by such route as might be decided upon by its board of directors. And further, it was given the right to "purchase, condemn and acquire such right-of-way, not exceeding two hundred feet in width, and terminal facilities and real estate along said line, as may be necessary or proper, either for its immediate use, or to aid in accomplishing its construction, just and adequate compensation being first paid or tendered." The capital stock authorized was \$300,000 with the right to increase it to \$1,000,000. Construction was to begin when \$15,000 was paid in. Colonel Jim undoubtedly paid in this amount and it, like the S. & D., became solely his property. This act of incorporation was obtained two days after he received the S. & D. incorporation—November 13, 1889.¹⁵

Immediately on completing his S. & D., Colonel Smith began the survey and thereafter the grading and laying the track to

Five Forks. This route was over a more difficult terrain than his first road, since it was necessary to cross the Beaverdam Creek valley. This route served his brick works and skirted his convict camp. It was "a great piece of enterprise for a Georgia planter," in a news reporter's opinion.¹⁶ The road was not completed until 1892,¹⁷ and at the very end of the rail-laying operations it appeared that there might be an indefinite delay; for as the road was about to be joined to the G. C. & N., a recalcitrant landowner refused to give Colonel Jim the right-of-way. As his charter gave him the right to condemn land after a "just and adequate" price had been "first paid or tendered," and as he had *tendered* such a price, Colonel Jim got his tracklaying force together in the darkness of night, who entered upon the work, and when dawn broke the tracks had been connected—at least this was the story widely told for years thereafter.

With the completion of this road there was further jollification in Smithonia, and the *Atlanta Constitution*, in anticipation of the event, good-naturedly remarked: "Colonel Jim Smith, the sage of Smithonia, is bothered. . . . The Colonel owns two railroads down in Oglethorpe, one seven miles long, the other six. And now he wants to know whether the legislature is going to allow him to consolidate the lines."¹⁸

Since Smithonia was now connected with two important railway systems, Colonel Smith had the advantage of playing one railroad against the other and thereby securing competitive rates. His railroads could also act as a short-cut for passengers, and freight too, from the north going to Augusta, it now not needing to go to Athens to make connections with the Georgia Railroad. Colonel Smith put into effect regular schedules of railroad service, and advertised them in the newspapers, as did the longest railroads in the state. There were daily two trains each way on both the Smithonia & Dunlap Railroad and the Smithonia, Danielsville & Carnesville Railroad. The S. & D. was six and a half miles long and it took the train thirty minutes to make the run; the S. D. & C. was five miles long, and this run was made in twenty minutes. The respective speeds were, thus, thirteen and fifteen miles an hour. The S. & D. left Smithonia at 8:15 a.m. and 3:30 p.m. and returning left Dunlap at 10:00 a.m. and 4:40 p.m. This schedule made connections at Dunlap with passenger and freight trains on the Georgia Railroad to and from Athens and Augusta. Connecting at Five Forks on the G. C. & N. with

passenger trains to Atlanta and from Atlanta northward, Colonel Smith's train left Smithonia at 5:00 a.m. and 8:40 p.m., and returning left Five Forks at 5:30 a.m. and 9:15 p.m.¹⁹ It is thus evident that the same locomotive could make all of the runs on both railroads.

In addition to these two "main line" railroads Colonel Smith built a series of "short lines" two or three miles long running out in all directions from the central depot in Smithonia. These were to serve his factories and the various parts of his plantation, carrying out the workmen and plantation supplies and bringing back the workmen and the various crops when harvested. They took the place of mule wagons which had been costing \$4,000 a year for their hauling activities. There were seventeen miles of these short railway lines.²⁰

As for his railroad equipment, Colonel Smith had one large locomotive for his main line operations and a smaller one for switching cars and running out on the plantation short lines. In his latter days, he had one combination passenger and baggage car, seven box cars and three or four flat cars, as well as small hand cars used in keeping the track in good repair.²¹

As has been noted, the Smithonia, Danielsville & Carnesville Railroad was never built beyond its connection with the G. C. & N. R. R. at Five Forks; so, this railroad with a long name was, indeed, a short line. But this fact need not have worried the Colonel much, for student of history as he was, he probably knew that the famous ante-bellum Memphis and Charleston Railroad never got closer to Charleston, South Carolina, than Chattanooga. But the people of Danielsville longed for the extension of the road at least as far as their town; and by 1891 they had subscribed \$15,000 of capital stock and had expressed the faith that anything to which Colonel Smith set his hand would be done.²² A half dozen years later the Danielsvillians were being reminded by their local newspaper editor that they still might get the railroad if they would wake up.²³ The charter of the S. D. & C. R. having expired, a notice was given in 1903 that a charter for the Smithonia and Northern Railroad Company would soon be requested of the Georgia Secretary of State. The road was to be twenty miles long, beginning at Smithonia and continuing through or near Five Forks and on to the end, which would be called Terminus (in fact Danielsville). The capital stock was to be \$30,000. Colonel Smith with two other Smith-

onians and seven Danielsvillians made up the petitioners, and the principal office was to be located in Smithonia. There was no indication in the petition that this railroad was to be a continuation of Colonel Smith's road to Five Forks.²⁴ Nothing came of this last effort of Danielsville to emerge from its status as a country town.

Colonel Smith's dream of railroad empire, which loomed so big in his mind in 1889, and the dream of railroad empires of others, were expressed that year in at least eighty-three acts of railroad incorporations in Georgia or changes in older incorporations. Most of these roads were never built and out of four acts incorporating railroads in which Colonel Smith was interested, only two were built, the S. & D. and the S. D. & C. Of the others the road from Smithonia to Augusta was chartered under the name of "Smithonia, Lincolnton and Augusta Railroad Company." Colonel Smith's intention of building a road to Augusta aroused much interest there and led to this comment in one of the city newspapers: "It may be that Col. Smith will turn out a bigger railroad man than a farmer. . .; and Smithonia may be the grand central station between the coast and the great West. . . ."²⁵ The road was to have a capital stock of \$300,000, to be increased to \$1,000,000 if desired. The principal office was to be in Smithonia, and the route was purposely left vague to arouse competition among the towns and promote subscriptions of stock. According to the act of incorporation the road should pass "through or into the counties of Oglethorpe, Wilkes, Lincoln, McDuffie, Columbia and Richmond, and adjoining counties, by such route as may be decided by the Board of Directors."²⁶

At one time Colonel Smith talked of running the road down the rich Broad River Valley country through Sandycross or the Glade and on through the Goosepond section, across the county line into Wilkes, through Mallorysville and Danburg, to Lisbon, at the confluence of the Broad and Savannah rivers, and then to Lincolnton and on to Augusta. At another time he intimated that he might bring the road closer to Lexington and on through Washington and thence to Augusta.²⁷

The way-town which became most excited by the prospects of the railroad was Sandycross, and it had good reason, for Colonel Smith first sent his surveyors through this small town; but hope somewhat faded when it was reported that this route would be difficult on account of the number of creeks which

would need to be crossed, and that Colonel Smith might have to bring his road close to Lexington. For several years the project slept, and finally in 1897 enthusiasm broke out again both with Colonel Smith and with Sandycross. This year the Colonel paid \$50 for a forty-foot right-of-way across a sixty-acre farm just east of Smithonia and grading was started and the report was spread that the workmen were within four or five miles of Sandycross; but soon the whole project was abandoned, and Sandycross like Danielsville was to remain a country town.²⁸

Whether Colonel Smith's Smithonia, Lincolnton and Augusta Railroad passed through Washington in Wilkes or Lincolnton, in the adjoining county of Lincoln, the Colonel was going to see to it that each town should have a railroad—at least he would have a charter saying so, now that railroad charters were so easily to be had. So, the fourth railroad incorporation which the legislature in 1889 obliged Colonel Smith with was the Washington and Lincolnton Railroad Company, which was empowered to build a road between these two towns.²⁹ The road was never built, and Lincolnton joined Danielsville and Sandycross to continue always as another country town in which Colonel Smith had aroused hopes which were later to fade away. Washington was to be saved from this fate by securing a spur line from the Georgia Railroad; but Colonel Smith had no part in this development.

Colonel Smith never aroused hopes in Lexington that he would build a railroad to that town; but nevertheless in 1889 Lexington was saved from continuing as a country town by a spur track being built to join the Georgia Railroad at Crawford. This was the Lexington Terminal Railroad, and Colonel Smith obligingly became one of the stockholders.³⁰ Later the track was torn up, and Lexington reverted to its original status—sans railroad, sans hope.

But briefly in 1890 it developed high expectations of becoming a town on an important railroad instead of being on the end of a spur track. For now the Augusta and Chattanooga Railroad, which had for a few years been struggling to break out of its charter and become a going concern, seemed about to succeed by an application for a "construction charter" being made by Allen D. Candler, later to become governor of the state, and by Colonel Smith and others.³¹ Nothing came of this effort.

The last of Colonel Smith's interest in railroad construction was expended in 1908 on the Savannah, Augusta & Northern

Railroad (an extended version of the old Augusta and Chattanooga idea). It seemed that this road would cross Oglethorpe County and pass through Smithonia.⁸² But the idea was soon dead and a half dozen years later Colonel Smith himself was dead.

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Chapter VI • CONVICTS AT WORK
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AFTER the Civil War, an important source of labor for private undertakings in Georgia and other Southern states was provided by convicts. In Georgia, this system served two purposes. It was a solution of the problem of the disposal of convicts since the Federal troops had burned the state penitentiary buildings; and in the course of time it would be a sort of substitute for slavery, in that it would afford a constant labor supply for enterprises of considerable size. Georgia passed her first law for leasing convicts in December, 1866. It directed the governor to farm them out to the highest bidders, who were required to sign bonds guaranteeing the "comfort and security of the prisoners." The period for which convicts might be leased did not extend beyond five years.¹

As Georgia was soon in the midst of Radical Reconstruction, no action was taken under this law until 1868 when Brigadier General Thomas H. Ruger, the provisional governor, who was placed over the people by the military governor, leased out one hundred Negro convicts for railroad work. For the next eight years the state leased its convicts to various persons and corporations for terms of from one year to five, at prices ranging from nothing to fifty dollars annually per convict; but eleven dollars came to be a common price. The lessees used the convicts in constructing railroads, mining coal, farming, making brick and pottery, engaging in turpentine production, and cutting timber and lumber.

To bring some system to the leasing of convicts, the legislature passed in 1876 a law which with amendments remained in force for the next twenty years. Now all convicts should be leased to one or more incorporated companies for a period of twenty years. Lessees must execute a total bond of \$100,000 for faithfully car-

rying out the terms of the contract. They might not sub-let or sub-lease their convicts. However, they could work them under contract for others, but the convicts must at all times remain under the control and supervision of the original lessees. They must guarantee "humane treatment," and for any cruelty "besides the punishment which may be inflicted under the criminal laws of the State," the injured convict might recover not less than \$400. For any convict allowed to escape through negligence and not caught within two months, the lessee should be subject to a fine of \$200. The Principal Keeper of the Penitentiary, a state official who had general supervision of all convicts, should make a monthly visit to all convict camps and report to the governor his findings. In addition the governor at any time might appoint a special investigator of convicts, who should "report to him their condition in every respect."²

The governor advertised for bids and on the basis of returns he awarded all the state's convicts to three incorporated companies for \$500,000. These were designated Penitentiary Company One, Two, and Three, and among the incorporators were Joseph E. Brown, former governor and later a United States senator; John B. Gordon, a United States senator, formerly a famous Confederate general, and subsequently governor of Georgia; and W. D. Grant, one of the builders of Atlanta.

To afford further protection for the convicts, a law enacted in 1881 set up an Assistant to the Principal Keeper of the Penitentiary, and either he or the Principal Keeper should make an unannounced monthly visit to every convict camp, to inspect the convicts' "diet, treatment, and especially to report any maltreatment of the convicts that may come to his knowledge, together with any violations of the law for the government of the convicts upon the part of the lessees." Lessees "charged with any abuses or violations" should be given a hearing before the governor to show cause "why their contracts of lease should not be canceled and forfeited, or a fine imposed, and said convicts returned to the state." The lessees should assign with the consent and approval of the governor "some discreet and proper person," to every camp, "who shall stay at such camp, and who alone shall inflict punishment upon any convict in this State," and any other person so doing should be adjudged "guilty of a felony," and should be imprisoned at hard labor for a period of six months to two years. A monthly report should be sent to the

governor, giving the names of convicts punished and "the date, nature, cause and extent of such punishment," also describing the general conditions of the camp; and the report should "state whether or not they know of any cruelty to or mistreatment of any convict in said camp, . . . and shall also state the diet at such camps, and the average number of hours in each day they are required to work." When a convict should have served his time and be discharged, he should be provided a suit of citizen clothes, costing not less than six dollars, and given transportation to the county from which he was sentenced.³

James Monroe Smith was always needing more laborers for his growing plantation, but he had not become sufficiently interested in convict labor to bid on any of the state's convicts. But in December, 1879, he bought an interest in Penitentiary Company Three, and the following year he bought a further interest, which made him the owner of a total of 125 shares, amounting to a fourth of the company.⁴ From this time on to the expiration of the lease, he would receive one-fourth of all the convicts allotted to Company Three; and, of course, the number would vary, since new convicts would be distributed by the courts to the three companies, and the terms of service of convicts would be running out. And, of course, some would die and some escape.

There was another source of convicts. Only those persons convicted of felonies and therefore sentenced to the penitentiary came under state control and found their way to the three penitentiary companies. All other criminals were guilty only of misdemeanor crimes and were disposed of by the county in which they were convicted. These counties sold them to the highest bidders, and many of those in Oglethorpe and the nearby counties were leased by Colonel Smith. In 1889, two white convicts and a Negro, whom Colonel Smith had bid in at Gainesville in Hall County, passed through Athens. "The three were chained together," said the news account, "the chain passing around the neck of one, with bracelets on the wrists of the other two. They were thoroughly indifferent and chatted and smiled as nonchalantly as if in a circus parade."⁵ In 1892, Colonel Jim paid Clarke County \$466.68 for some of its misdemeanor prisoners.⁶ In 1899 he was the highest bidder for those convicted at the first term of Superior Court. There were fifteen of them, and Colonel Smith paid \$50 apiece per year for them.⁷ There was

scarcely any aspect of Colonel Jim's activities around which folklore was not to spring up: It came to be told that he, having aided financially in building the Oglethorpe County courthouse, would remark to the county officials, "You had better send me some more niggers or I will come down and take the courthouse away from you."⁸

After 1897 the state was given "general supervision" of misdemeanor convicts, and although the law did not state directly that these convicts should be worked only by county or municipal authorities, it by indirection so inferred.⁹ But since many of the counties were not interested in working convicts, though they might well have used them in building roads, they continued to lease them to the highest bidders. It was, indeed, tempting to do so, when they could secure a bid like Hall County received in 1904 from Colonel Smith whereby he paid \$112 annually for every convict.¹⁰ He kept on hand an average of about forty misdemeanor convicts.¹¹

As stated in the official report for 1907-1908, many county officials were in "open and notorious violation" of the law—and presumably those who bought the convicts were not innocent.¹² At this time there were at least twenty-six individuals and companies working misdemeanor convicts.¹³ Places where these prisoners were worked were known as "wild cat camps."¹⁴ During the first year or two after the law of 1897 placing misdemeanor convicts under state control, Colonel Smith hired none, but seeing how the county officials ignored the law, he fell into the practice of using such prisoners and continued until the whole system of leasing convicts was abolished in 1908, leading an Atlanta newspaper editor to say that "we find him right up to the present report working misdemeanor convicts, which is unlawful."¹⁵

Throughout the whole period during which Colonel Smith used convict labor, he had on an average of 200 to 300 state convicts (which did not include misdemeanor convicts), and at most he had 426 in 1895-1896. In 1877 the total number of state convicts was 1,100, increasing with the years until the average ran between 2,000 and 2,500. Almost uniformly throughout the period of convict-leasing, Negroes made up about 90 per cent of the total. In 1895-1896, the convicts ranged in ages between 10 and 71 years, the largest group being between 17 and 27 years. As for the crimes committed, taking 1893-1894 as an example, burglary easily came first, being twice as prevalent as any other crime.

The other common crimes in diminishing order were murder, attempted murder, larceny, manslaughter, rape, attempted rape, and robbery. The number of criminals at this time was 2,235. Murder generally called for a life term; a few other crimes, such as arson and rape, might also bring a life term. Though "lifers" might well be more difficult to manage, yet the lessee had the advantage of the convict's labor as long as he lived, if he did not escape.¹⁶

At one time or another, Colonel Smith had his convict camps scattered all over the state "from Tybee Light to Rabun Gap"—more specifically from Ware County, on the Florida border, to Walker County, on the Tennessee line. There were twelve counties in which he had camps. In the southern and central part of the state they were working at saw mills and in the turpentine industry; in the Piedmont they were farming and occasionally grading railroad right-of-ways; and in the mountains now and then there were a few engaged in mining. But his principal camp, the one which he set up first and gave up last and where he generally kept more convicts than at any other camp, was at Smithonia.¹⁷ Here Colonel Smith gave direct and close supervision to his convicts. At the other camps, some of which he seldom visited and some probably never, he could depend only on the integrity and humanity of those who were in charge. In all of his camps except the one at Smithonia he was working his convicts under contract with certain persons or companies engaged in lumbering, mining, farming, making naval stores, or grading railroads. These arrangements must have been little short of sub-leasing convicts, which was forbidden by law until 1897.

At Smithonia he generally had fewer than a hundred convicts; the largest number he ever had at this place was 171, in 1895-1896. Most of them were Negroes, generally slightly more than ten per cent being white. In the earlier years, there were often a half dozen colored female convicts; but seldom was there a white one. In 1890 there were four Negro women, all convicted of arson or murder. One with a six-weeks-old baby had killed her husband. Also there was a white girl of eighteen, convicted of murder. Her work was light "but her degrading situation preyed on her mind, and finally led to her suicide," by drowning herself in Beaverdam Creek.¹⁸ Over the years there were probably as many as twenty deaths at the Smithonia camp, most of them from consumption, dropsy, and heart failure, and

at least one from sunstroke. In 1895-1896, the most prevalent diseases were chills, measles, bilious fever, and dropsy.¹⁹ In 1888 a convict from the North and of foreign extraction committed suicide, not from ill treatment but because of a mixed-up and peculiar personality.²⁰

Fewer than a half dozen convicts were killed by guards. In 1884 a guard shot a convict who attempted to seize his pistol.²¹ Five years later when the convicts were being taken out to work two broke away and ran. A guard on horseback overtook them and in a scuffle in which they attempted to take the guard's gun, he shot one of them who was attempting to club him to death. The other was captured. In this case as in all others involving death, a coroner's jury investigated the affair and in the present instance it adjudged the killing to be in self defense.²² In 1895, a convict while plowing made a break for liberty. The guard brought out bloodhounds and chased him for about three miles and found him hiding in a tree. The convict jumped from the tree and ran, and when he refused to halt, the guard shot to scare him but hit him in the head and killed him.²³

It was a double misfortune to a lessee to suffer the escape of one of his convicts. He lost the prisoner's labor and was besides subject to a fine of \$200 if the fugitive through the carelessness of the lessee made his escape and was not found within two months. Here Colonel Smith had his troubles. He had been in the convict business for only three years, when two of his Negroes escaped, one guilty of burglary and the other of stealing a yoke of oxen. Colonel Jim offered a reward of \$50 each for their capture. A few years later, when ten convicts were being taken out to work, at a rocky place in the road they attacked the guard with a barrage of rocks, and in the melee five convicts escaped. As Christmas drew near in the year 1893, six convicts unable to resist the holiday spirit made their escape. The most amazing of all the performances of escapees was that of an old Negro who had lost both legs. Taking advantage of the laxity allowed him in his comings and goings around the camp, one night he made his way to a neighbor's house, stole his horse and buggy, and drove back to his home in a nearby county. His liberty was short lived.²⁴

A story possibly based on fact, described Colonel Jim's planning the escape of one of his convicts. The old Negro was of no value as a workman and Colonel Jim developed a pity for him;

but he could not let him go, for only the governor might pardon criminals, and if he let the Negro escape he stood to lose \$200. So, one day Colonel Jim said to the Negro: "I'm going to cancel you off the rolls and let you go. Here's a suit of clothes and money to get you to Savannah. You go down there and change your name, and nobody will ever find you." A fully-clothed dummy (a log) was taken out to the graveyard and buried, and on the roll of convicts, "died" was written after the name of the old Negro.²⁵ For the legitimate escapee, Colonel Jim generally offered \$50 reward—sometimes he made it \$100.²⁶ More frequently than not, the convict was recovered; and if not it was easy to prove that he had not been allowed to escape through negligence.

There was at least one example of an escaped convict making his way back to the scene of his crime and, of course, to the Smithonia camp. This Negro, convicted of burglary in Oglethorpe County, was sent to Colonel Jim's camp. One day, seeing an easy way to escape, he made his way out and went as far as North Carolina, but he made his way back to Georgia and while in Augusta he learned that a reward of \$25 for his return had been posted. Having no money and wanting to go to Oglethorpe to see his old mother—and get back in Colonel Jim's camp—he gave himself up to a policeman, probably expecting that the reward would come to him.²⁷ There were other times than when Colonel Jim effected the escape of the Savannah Negro, when he would have liked to have the power of pardon. A pardon was sought for one of his convicts from Madison County, who was in a dying condition; and it seems that an old Confederate soldier, a Dr. Von Polnitz, who was past the three score years and ten, was an object of sentimental pity. Why could he not be pardoned, asked a newspaper correspondent; he had "only a few more days to spend on earth, and let him die with the stripes off."²⁸

Of course, the long-standing immediate method of capturing an escapee was not to offer a reward, but to put upon his track a pack of bloodhounds. Colonel Jim kept bloodhounds, and his principal guard saw to it that they were well trained and cared for. During the 1880's Bud Asbury held the position of guard and trainer. He grew tired of being guard but he loved his bloodhounds. He followed a gang of convicts from camp to field with a gun on his shoulder, and back again, and as an observer reported "until one nauseates at the sight of a striped suit of

clothes or the clanking sound of chains." But his nausea was immediately relieved by the sight of Bud's bloodhounds, which he kept in good training. He would set going a trusty convict and give him an hour or more start and then set his bloodhounds on his trail, and he would follow on horseback. The dogs would invariably "tree" the convict, who enjoyed the fun as much as did Bud and the bloodhounds. Bud insisted that his hounds could follow a trail twenty-four hours old and that no convict was clever enough by the application of herbs to his feet or by wading in creeks, to throw the dogs off the trail. "Why, I can follow a negro for a week with them," said Bud, "and it is just folly for a convict to try to get away. They can't throw my dogs off their scent, and they will follow them through fire and water. I have those dogs trained so that they would no more dare to eat anything that a prisoner offered them than you would rank poison."²⁹

The management and control of a group of convicts, whether at work or at leisure, presented a difficult problem. The line between severity and indulgence could never be drawn to meet the approval of everyone. Whipping was the chief form of correction, but the law of 1881 (in force the second year of Colonel Smith's convict lease and thereafter) forbade whippings applied by anyone not approved by the governor. Since no lessee could select his convicts, he received whoever was sent—the halt, the lame, the blind. Colonel Jim received one-legged men and at least one with no legs at all. A visitor in 1890 remarked: "It would be difficult to collect a harder or more brutal set of men than are found in this camp. Every crime in the decalogue is represented."³⁰ According to an official report on Colonel Smith's camp in 1881, "Corporeal punishment is inflicted, and complaint was made that at times punishment was inflicted with a leather strap severely for violation of regulations."³¹ Smith's common sense led him to disapprove strongly of severe whippings, and whenever a guard indulged in such, Smith dismissed him. Colonel Jim bitterly resented a story that represented him as either a party to a severe whipping or as an onlooker. A Negro who was being whipped cried out, "God have mercy on me," and getting no relief then changed his appeal to "Oh, Marse Jim have mercy on me." Thereupon, the Colonel said to the whipper, "Stop, he is smart enough to call on some one who can help him." It was to be expected that the Negro population in the surrounding

country would make their brothers in stripes a subject of conversation. One old Negro from the Goosepond district of Oglethorpe County passed through the little village of Sandycross, "saying that he had been told by the Lord to go to Hon. J. M. Smith and tell him to turn the convicts loose." He was soon taken in charge, and it was found "that the darky was crazy."³²

Hearsay and "old wives' tales" gave Colonel Smith's convict camp and the Colonel himself a bad name, both during his lifetime and thereafter. During the first few years of his camp, there were no deaths, no sickness, nor did anyone escape.³³ At this time an old personal acquaintance of Colonel Smith's, who was in a bitter feud with him, having occasion to mention the convict camp, said that he would do Jim "the justice to say, that from personal knowledge we can state that in the management of his convicts he not only carries out the spirit but intent of the law. His prisoners are humanely treated, and the death record at this camp is a sufficient endorsement that no change is needed with its management."³⁴ An old character of the Beaverdam district was so taken with Smith's management of his convict camp that his mind became unbalanced and he began to imagine "himself Col S. directing affairs about the camp."³⁵

With his prodigious memory Colonel Smith knew his convicts by name and something about their character. Meeting on the streets of Athens one of his convicts who had served his time, the Colonel greeted him by his nickname "Railroad" and jokingly remarked that he expected to see him back at his camp soon. "Railroad" replied that though he had been well fed and clothed he did not care to return.³⁶ But some of the ex-convicts did return to Smithonia, of their own volition, to become hired workmen.³⁷ According to a news item relating to Smith's convict camp, "Those especially who have visited the convict farms in Georgia are spontaneously impressed with the orderly, and decent manner in which this branch of his legitimate farm is conducted; the moderate amount of labor which he exacts of his convicts, and the good quality and abundance of their food, with the general care and interest which he exercises over them in every particular."³⁸ In 1887 a burglar from Harmony Grove (later Commerce) considered himself lucky when he learned that he would be assigned to Colonel Smith's camp; and a guard who took convicts from Hall County to the Smithonia camp, on

his return remarked that the Colonel's convicts "all look well and seem to be enjoying good health."³⁹

It was the duty of the Grand Jury of Oglethorpe County to visit the convict camps in the county (there were generally two others besides Colonel Smith's) twice a year and report on conditions there. From the beginning to the end, their reports on Colonel Smith's camp were invariably favorable. In 1886, the Grand Jury stated that the quarters were "secure and as cleanly as circumstances will permit, with an abundance of good, wholesome food, and the labor required of them is not unreasonable." The next year: "a sufficiency of wholesome and well prepared food . . . large and varied crop of vegetables is being grown for the convicts." The convicts "looked cheerful and seem to be well cared for, and in our opinion Mr. Smith, as lessee, fully complies with the law." In 1888: "abundance of wholesome food of meat, bread and vegetables. We take pleasure in presenting this as a model camp for neatness and health." In 1889: "buildings are in good condition, properly ventilated and disinfected . . . food more and better than is allowed to the average laborer." In 1891: "In fact we are of the opinion that their condition will compare favorably with free labor in this or any other part of the country." In 1892: "We find everything in excellent condition, reflecting great credit on the lessee and manager of the camp." In 1898: "humane treatment, and we heard complaint from no one. We cheerfully commend the management of the camp." In 1907, a committee of the legislature visited all the convict camps in the state. In November it visited Colonel Smith's camp "and found everything in the best of shape."⁴⁰

For the many visitors who came to see Colonel Smith's great plantation and its enterprises, no part attracted more attention and was more freely viewed than his convict camp. The Colonel never had the slightest hesitancy in taking visitors there or having them guided there by one of his managers. A group of picnickers in 1894, after having enjoyed the shade of one of Smithonia's groves, took a look at the camp. As reported by one, "Everything was found to be neat and as comfortable for the inmates as could be asked for. The visitors talked freely with the convicts and found them outspoken in their praise of the treatment they received."⁴¹ Thomas R. Holder, Jr., a son of Colonel Smith's early benefactor, visited

the place the next year and reported that he was "carried all through and everything explained to our entire satisfaction."⁴² Yet to some of a more philosophical turn it was more a morbid curiosity, or as one visitor expressed it, "a depraved and rather cruel infatuation" which always led him to visit the camp whenever he happened to be a guest of the Colonel's. "To see men in chains and stripes, confined in a barracks," he said, "while guards, armed with repeating rifles and double-barrel shotguns, watch over them, and a pack of trailing hounds lazily lounge around, is a weird and fascinating sight, and one always feels better contented with himself after looking upon this picture of human misery and degradation."⁴³

Colonel Smith's convict camp was on the spur of a hill near Beaverdam Creek with a "magnificent" view of the cultivated fields. As described in 1886, it consisted of a compound of "several acres" surrounded by a stockade (which by later rules was required to be twelve feet high and whitewashed twice a year). Inside these walls were a blacksmith shop, a shoeshop, and other work shops, a commissary, cook house, and a two-room house for the principal guard. Inside the main stockade was another enclosure consisting of a large yard where the prisoners could exercise and a large barracks where they slept. Each prisoner had a cot with blanket and other bed covers and a lock-box where he could keep safe any belongings. The convicts at night were fastened to a central chain going the whole distance of the building. At this time the building was newly constructed and rested on pillars eight feet high, providing underneath a shady place in hot weather, and by this method and through various openings which could be closed in cold weather, the building was well ventilated. It appeared somewhat like a large resort hotel. To take care of women prisoners and to keep them isolated, there was a smaller barracks in another part of the compound. Here also the women cooks were housed—not prisoners but wage hands, generally about a dozen, who cooked for the convicts except on Sundays when the convicts had to do their own cooking. Everything was kept clean, and all refuse was carted off and dumped in Beaverdam Creek. On Sundays the prisoners could do as they pleased, play the fiddle or listen to it, sleep, or listen to a preacher—for there was a chaplain who gave a sermon every Sunday. They always had plenty of food—meat, bread, green

vegetables in season—and molasses by the car load, as Colonel Jim bought it in that quantity from the canefields of Louisiana. Now and then when Colonel Jim, who lived within a mile of the camp, would put in his appearance, the prisoners would flock around him and he would pass out among them small change.⁴⁴ There was a well of good water, and the convicts were required to bathe and don clean clothes once a week. Also there was a hospital building for the sick. In addition to the chaplain there was a camp physician who visited the camp daily, but in some seasons only twice or three times a week.⁴⁵ Nearby were barns and stables for the mules which the convicts worked.

Colonel Smith testified at a hearing in Atlanta that these buildings had cost him \$5,000; that his convicts were better fed and clothed than his hired workmen, who chose for themselves their food and clothing; that he shod his convicts while the hired hands went barefoot in summer; that no bastard children were ever born in his camp; and that "he had no children of any kind," which statement produced laughter, as it was well known that the Colonel was a bachelor.⁴⁶ Ten years later a visitor said: "The convict camp is a model establishment, orderly in arrangement, cleanly, and with the criminals as well contented as it is probably possible for such a class to be."⁴⁷

Rules were set up by the state authorities to be observed by the various convict camps. Every convict should be allowed daily three-fourths of a pound of bacon or two pounds of beef or pork, with bread, molasses, and vegetables, and weekly three-fourths of a plug of tobacco. They must be given two suits of cotton stripes in summer and two suits of woolen stripes in winter, together with hat, shoes, underwear, and other small items. They should begin work at sunrise and continue until sunset, with two hours out for food and rest at midday in spring and summer, and one hour in fall and winter. There was to be no work on Sundays. Every camp must have its own physician who should work under the control of the Principal Physician, who supervised all camps, and make weekly reports to him. The camp physician should examine all new convicts received before they were put to work; he should see that no sick convicts were worked; and he should order the sick to the hospital and he alone might release them. Also he should have general oversight of sanitation, should report any deficiencies in bedding and food, see that the sexes were housed

in different buildings, and require the barracks to be heated with stoves or open fireplaces but not by central bonfires, which would fill the buildings with smoke.⁴⁸

During the summer months, Colonel Smith worked most of his convicts in the fields, plowing, sowing, hoeing, and reaping. In 1894, he had them working 2,900 acres of land—1,800 in cotton, 500 acres each in corn and small grain, and 100 acres in potatoes, peas, and cane.⁴⁹ The acreage worked by convicts was much smaller. The convicts worked as a special division of his plantation labor, separate from his tenants and wage hands. Apart from their agricultural work, the convicts were used almost exclusively in the fertilizer plants, oil mills, and brick yards. Colonel Smith planned to have his women convicts make brooms, but this enterprise did not develop since he soon came to have no women convicts. John N. Holder, another son of Colonel Smith's early benefactor, visited Smithonia in 1895 and saw twenty-seven convicts making brick and fifty plowing corn, and after visiting the barracks, observed: "While the camp was kept all right, yet we didn't like the place, and soon hastened away."⁵⁰

Though Colonel Smith leased and used convicts for twenty-eight years (1880-1908) and though he defended the system against outside critics, he insisted that he never made any money through their labor in his farming activities. He always held that free labor was cheaper and better. It became a common saying relative to Smith's convicts: "Oh, well, he made his fortune by working convicts." In reply he said that he was making his fortune long before he ever leased a convict. He had used only convicts in farming in Oconee and Greene counties and had made a dead loss on them; and as soon as possible he sold the land and quit farming in those places.⁵¹ In 1896 he declared that he would never lease any more convicts from the state, even if they were given to him free, and that he had been losing from \$3,000 to \$5,000 a year in using them as farm hands.⁵² With his ever-ready pencil he set down this itemization of the annual average cost per convict:

\$11 to the state

\$20 for bringing the convict to his farm from the county where convicted

\$7 for doctor bills

\$60 for guard duty

\$36 for bossing his work

\$7.50 for shoes

\$13.50 for clothes

\$30 for food

\$2 for cost of keeping bloodhounds

\$20 for suit of civilian clothes and transportation to home county on release making a total of \$209.00.

If a convict made his escape, the lessee was subject to a fine of \$200 "unless we can show that his escape could not be prevented."⁵³ It should be noted that Colonel Jim's figures included as an annual cost going after the convict and sending him back at the expiration of his sentence; but each of these costs would apply only once for a convict, and could not be made a yearly average, unless the convict's term was for only one year; and, of course, \$200 expense for an escaped convict would play a part in making valid Colonel Smith's estimate.

But despite Colonel Smith's protestations that there was no money in working convicts in agriculture and despite his statement in 1896 that he would never lease additional convicts, he changed his mind on the latter point, for he was too good a trader to neglect the opportunities that convict leasing afforded, apart from working them on farms. He admitted that there was a profit in contracting to work convicts at \$1.00 a day grading railroads and also in brick-making and in coal-mining too, "but not a cent in farming and I can demonstrate the fact to any fair-minded man who will examine my books."⁵⁴ In 1887 he got a contract to work his convicts in grading the Macon and Covington Railroad (later the Central of Georgia from Macon to Athens), and in the fall when farm work was over and railroad work had ceased because of the company's financial troubles, he got permission from Governor John B. Gordon to transfer seventy of his convicts on contract with the Dade Coal Company (one of United States Senator Joseph E. Brown's enterprises) to mine coal in North Georgia.⁵⁵

The law of 1897 relating to leasing convicts had in it a miracle clause (as far as Colonel Smith was concerned) which made him change his mind on buying a new convict lease. A lessee was now allowed with permission of the Prison Commission (first set up in this law) to sub-lease convicts. The law was less attractive in other respects, because on the expiration of the old twenty-year leases (which would be on April 1, 1899), no

lease should run for a longer period than five years, and furthermore no one could buy fewer than 50 convicts or more than 500.⁵⁶ The sharp mind of Colonel Jim immediately saw the chance to buy convicts and sub-lease them for a profit. He bid on 100 at \$102 per year and was awarded the full number. Without ever taking possession of them he sub-let his entire interest in them and never again had any connection with state penitentiary convicts. From this time on, he used only misdemeanor convicts, which he bought from the counties. It was wildly reported some years later that he had made \$50,000 on the 1897 deal, and at the time of the purchase it was stated that the "exact amount made on this enterprising deal is not known, but it is said that Colonel Smith could live comfortably on the profit for the rest of his days." In fact, he bought 100 convicts each at \$102 a year for five years and sold them for \$174, making an annual profit of \$72 on each convict. Simple calculations show that his yearly profit was \$7,200; or for the whole period of five years, \$36,000.⁵⁷ In 1903 another convict leasing law was passed allowing bids for a new lease for five years; but Colonel Jim was not interested.⁵⁸

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Chapter VII : CONVICTS INVESTIGATED
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COMMON hearsay rated Colonel Smith's Smithonia camp with the camps throughout the state rather like Kipling in his "Road to Mandalay" rated the region east of Suez, "where the best is like the worst." In this respect the Colonel was on the defensive for most of his life after he obtained his convict lease in 1879, and traditional stories of his cruelty to his prisoners were to continue long after his death. Since in the public imagination all convict camps were about equally bad, it was his misfortune to be classed with the worst. This was the penalty he paid for using convict labor and for not developing the resolution to divest himself of it.

All went well at Smithonia for the first half dozen years; no one escaped; there was only one death; and there was no sickness of any consequence. But in April, 1885, an epidemic of measles threw his camp into the worst condition since its establishment. Also in a camp which he had set up in Wrightsville, down in Johnson County, for convicts engaged in grading a railroad, there was an outbreak of sickness and there had been one death. Here there was greater danger of cruel treatment of convicts and bad food conditions; for Colonel Smith could seldom visit this camp and keep close supervision over it as he did his Smithonia camp, which he visited almost daily. Confronted with charges made by John W. Nelms, Principal Keeper of the Penitentiary, that the Wrightsville camp was badly managed, Colonel Smith called on him for a complete investigation, "and if any guard or boss has acted wrong or violated the law or been guilty of inhumanity to any convict or has not given the rations, I have ordered them punished to the extent of the law. My reputation and character is at stake. Your reputation, Colonel Towers' [J. R. Towers, assistant to

Nelms] and the governor's are all involved to a greater or less degree and I am unwilling for an ignorant, brutal boss or guard to soil it."¹

Dr. Willis F. Westmoreland, the Principal Physician of the Penitentiary, made an investigation and demanded better food and better treatment. Colonel Smith immediately dismissed his superintendent and appointed another and sought in other ways to improve conditions in his Wrightsville camp.²

About the same time when Colonel Smith's Wrightsville camp was being investigated, Colonel Towers and Doctor Westmoreland visited the Smithonia camp, unfortunately for Colonel Smith, as the outbreak of measles had disrupted normal conditions there. Both reported that this camp was badly managed, that there was much sickness, that the prisoners were underfed, and that there had been severe whippings. Doctor Westmoreland said that he had found little meat, no fresh vegetables, and that some of the convicts were in the hospital, "more or less impressed with incipient scurvy."³

The governor, Henry D. McDaniel at this time, ordered Colonel Smith to appear before him for a hearing on June 25 (1885). Smith asked for a few days' delay, as he was far behind on his farm work on account of heavy rains, and without his supervision his crops would probably be lost. He declared that if there had been any laxity at his camp, it had been "against my will and wish and against my orders." He had had inexperienced helpers at his camp and had found it difficult to secure efficient ones; but he always made changes whenever he could improve conditions. He mentioned the excellent record of his camp up to this time. "In the successful management of this camp," he declared, "I have my reputation at stake and also my pecuniary interest, and to a certain extent the penitentiary official. To disobey orders or to be self-opinionated and to give trouble to those in authority is no part of my object. Whenever I am wrong I am more than glad to be set right." He mentioned further that since the legislature would meet in early July, and as he was a member of that body, he would be in Atlanta and could then attend the hearing.⁴

Governor McDaniel informed Colonel Smith that the hearing could not be postponed; but on the 25th, a postponement until July 11 was made, because Doctor Westmoreland reported that Colonel Smith had made substantial improvements at his camp.

In the meantime Colonel Smith had dismissed his camp superintendent. At the hearing on the 11th, Colonel Smith's explanations were fully accepted and the Governor dismissed the case, "especially in view of the exemplary manner in which he has heretofore managed and treated the convicts under his control, that whatever irregularities, if any, may have heretofore existed were without the knowledge and consent and against the orders of said Smith."⁵ It was shown that there was no scurvy at Colonel Smith's camp, that the food consisted among other things of fresh vegetables, fresh pork, fresh beef, and at least fifteen gallons of milk daily. He had for his convicts sixty acres of vegetables, 2,000 bushels of sweet potatoes, and 1,000 bushels of Irish potatoes.⁶

Although Colonel Smith had been exonerated at the hearing before Governor McDaniel, he felt that he was being persecuted by certain people. Shortly afterwards he declared that no one should be more interested in the well-being of convicts than the lessee. It was their labor he wanted—not to ill-treat them. "If they are sick he loses money," Smith continued; "if they escape he loses money; if they are crippled he loses money; if they are not well fed and clothed and well treated he loses money. A sensible business man who has them leased will never allow them to be mistreated if he can help it. Whenever he permits that, he is allowing himself to be cheated and robbed." He would now test the sincerity of some of his critics: "I am willing, in fact anxious, to sell out my lease. I will take just what it cost me. You gentlemen who think there's a fortune in working convicts, now have a chance to try it." He would sell to anyone and give bond that he would pay back at the end of six years (the time he had held his lease) a fourth of the purchase money if the buyer managed them "as well as I have done, with as few deaths, few escapes and as few casualties." "My character is worth more to me than money," he affirmed.⁷ No one came forward.

In the spring of 1886, for once in his life, Colonel Jim became a pessimist and seemed to lose heart, a surprising departure from his characteristic optimism, about farming or almost anything else. The measles that had broken out among his convicts in the spring of 1885 had resulted in an almost total loss of his crops which they were tending. He rated this loss at \$10,000.⁸ "Every bale of cotton I raised last year cost twice

what it brought." He had lost during the past twelve months "more than I can ever stand again." In the fall of 1884 and also of 1885 he had sowed 1,600 bushels of oats, but he lost both crops, without specifying the reason. He sent 400 tons of cottonseed to Atlanta, but "on account of being damaged," the whole lot did not sell for the freight charges. Beset as a modern Job, he lost 300 hogs through cholera. In addition to what nature had done to him, he was forced to spend in defending himself against the false convict charges \$4,000. This last expense had come through time lost from his management of his plantation enterprises and the consequent reduction of crops, as well as lawyer fees. He had employed as his lawyers Alexander S. Erwin, of Athens, who was until the end of his life Colonel Jim's legal adviser and close friend, and Richard B. Russell, later Chief Justice of the Georgia Supreme Court. The grand total of what Colonel Smith lost in this period of disaster, he set at \$56,800—always exact, he was, in his figures.

Continuing his lamentations, he said, "I am beginning to believe that it is impossible for a man to live off in the country, follow farming and ever be worth much." City people take advantage of the farmer and "in spite of economy and industry, good management, hard work, hard living, and the most heroic efforts," he would most likely have as his reward, being "buried at the public expense." He had "to a great extent" lost control of his business; he owed \$40,000 at a high rate of interest, and probably he could not get more than \$75,000 cash for everything he had.⁹

This outburst by Colonel Smith produced a mild sensation throughout the state. The editor of the *Atlanta Constitution* derided Colonel Jim's pessimism, and insisted that farming was good business in Georgia: "The man who can dig \$100,000 out of Georgia's old red hills in a few years, ought not [to] go back on farming, even if he does have a lot of convicts on his hands, and sign security papers, and have about everything that doesn't die, get burned up and worn out."¹⁰

Colonel Smith, who had prided himself on keeping a model convict camp, was deeply hurt in his feelings, especially by Doctor Westmoreland's report; and he was not to be diverted from pursuing the matter further with Westmoreland by another visitor, though unofficial, who said, "Any charge as to mistreatment of convicts is false, and can be so proved."¹¹ While

in his mood of pessimism and depression, Colonel Smith wrote a letter to an Athens newspaper on March 29, 1886, in which he noted that he had spent \$4,000 "in a fight with opium eaters, political aspirants and eaters of public hash." He stated further that he "might have settled this case with some less expense, by bootlicking, fawning and surrendering principle." It was wrong for those "'clothed with a little brief authority' to be continually sicking the bloodhounds of agrarianism and communism upon me, because I am not as poor as they, in their malice, envy and senseless hatred, could wish."¹²

Colonel Smith was deeply resentful of Doctor Westmoreland's charges of "incipient scurvy" among the convicts. He had four well-known physicians to test the health of his convicts and received affidavits from all of them that they found no traces of scurvy in any of the convicts.¹³ Colonel Jim published also two affidavits from a larger number which he had on hand, stating that Westmoreland was drunk when he visited the camp. One of the affiants said that he saw Westmoreland take a bottle of whiskey from his satchel and after putting into it what the affiant thought was laudanum, take a drink. The wife of a Winterville physician in her affidavit said that Westmoreland came to her home in a buggy driven by a Negro and that he was so drunk that he fell out of the buggy and did not know what he was doing.¹⁴ Smith believed that Westmoreland had developed an animus against him when Smith was in the legislature and displeased Westmoreland by some of his votes.¹⁵

Doctor Westmoreland answered Colonel Smith by repeating his charges of bad conditions in the convict camp, of scurvy, and of his underfeeding his convicts because he was losing money on them. "This meant pinching the convicts," said Westmoreland, "and it is against pinching the convicts that we are bound to protest, and against which we did protest. . . . The difficulty with Mr. Smith is that he considers every complaint lodged against the treatment of the convicts as a personal matter against him. . . . If he would improve his camps, feed his prisoners, and meet the governor frankly when complaints are made, he would have no trouble. But he rejects every suggestion, postpones every reform, dodges the governor, and relies on bullying his way through. Now we propose to stop him."¹⁶ In countering the affidavits, the Doctor insinuated that their authors were hirelings of Smith, and would say anything which

he wanted them to. The Winterville physician whose wife was one of the affiants insisted that Westmoreland came to his house "beastly drunk," and added if "said Westmoreland means to call my wife Smith's hireling, I denounce him as an unmitigated liar, a base coward, and the embodiment of all that is false, mean, low and grovelling."¹⁷

Westmoreland was a prominent physician, whom Governor McDaniel had appointed Chief Physician to the Penitentiary in 1883,¹⁸ and for whom Colonel Smith said he had great respect until the doctor began falling from his high estate through drink, and it pained him to have to mention this decline. The editor of an Atlanta newspaper declared that Westmoreland had "been earnest in his work, conscientious and devoted to it."¹⁹ Colonel Towers explained the situation which had been mistaken for drunkenness on the part of Doctor Westmoreland, as being a case of blood poisoning, stating that he had advised the Doctor not to make the trip to Smithonia, as he was so debilitated that he was hardly able to step into the railroad car.²⁰

There was never a time when the convict lease system in Georgia should not have been under attack, and Colonel Smith's camp came under fire with those which were much worse. In the spring of 1886 an anonymous letterwriter charged in the *Cartersville Courant* that in 1884 and 1885 convicts were beaten in Colonel Smith's camp at Smithonia with as high as 225 lashes and that one convict was shot and killed. The *Courant*, a newspaper owned by Dr. William H. Felton, who with his wife Rebecca was a bitter foe of the convict system, queried, "is it to be wondered at that J. M. Smith's camp has become the head center of barbarism and unnecessary cruelty to prisoners?" Colonel Smith replied that "the letter was false from beginning to end, and designing men are at the head of it. The words were put in the thief's mouth by someone else." He invited Dr. Felton to come "and investigate everything connected with the management from beginning to end."²¹

It became a popular pastime among a certain class of well-intentioned reformers, and also among another class not so well intentioned, to attack Colonel Smith's convict camp. The bottom was reached in charges made by David Bunsey, "a black, burley negro" from Athens, a painter by trade and by reputation "a monumental liar," whom no one would believe on oath. While working near Smithonia, one day he said he would like to

visit the convict camp to see how things were getting along. Some of his fellow-workmen arranged the visit and decided to "string him out," with the most improbable tall tales about the treatment of the convicts, telling him the "wildest stories, the most blood-curdling tales, the most outrageous atrocities," and declaring that Colonel Smith's bloodhounds were as big as calves and that any stray Negro who ever ventured onto Colonel Jim's plantation was immediately clamped into irons and put into his convict camp. Bunsey went back to Athens and spread these wild reports among the Negroes, and sent an account of conditions at the camp to the *Working World*, a Knights of Labor newspaper published in Atlanta. Among the atrocities which he mentioned were: That when convicts who were ordered to work on a certain Sunday refused, guards shot and killed two and secretly buried them at night, that another had escaped and was shot at and caught. Also he asserted that he saw a convict chased on a Sunday "by a pack of bloodhounds as high as a fence."²²

The *Working World* refused to publish the letter, but turned it over to the state authorities, who sent a committee of two to investigate the charges. They went to Athens and interviewed Bunsey, who denied that he had written the letter, and asserted that he could not write. Richard B. Russell said that Bunsey was "crazy." The committee went on to Smithonia, inspected the camp, and not in the presence of Colonel Smith they asked all the convicts about their treatment, and all except a few were high in their praise of their treatment, their food, and quarters. Some who had been recently whipped were examined with their clothes removed "and not a sign of the chastisement could be discovered." The only complaints came from three Negroes, "who were double shackled, with rings about their necks, being desperate characters who had headed attempts to escape." Colonel Smith said that occasionally on a Sunday some of the convicts were set to cutting some green feed for the mules. Also he stated that there had not been a death at his camp for two years. The committee compared the convicts present with the official rolls and found that there were eighty-eight in each case. They found that the camp was "in a most excellent condition," and that there was "less disorder, better satisfaction, and more thorough and systematic obedience to the law than convict camps usually are."²³

Some of Colonel Smith's friends advised him to prosecute the Negro for slander. One who knew Bunsey declared that he was an "insolent negro, who has more than once figured before the courts in Athens and elsewhere for crimes against the state, and was found guilty."²⁴ Bunsey became frightened and denied emphatically that he had written the letter, that in fact he could not write: "Boss, it's all a forgery. . . . I can't write. . . . Why, it is some one who is jealous of the way I get along with the white people, and who envies me the amount of work I get." He declared that the letter was "utterly false, and I pronounce it utterly false in every detail. I do not know who would take the trouble to write a letter and sign my name to it, but whoever did it is a scoundrel, and I will give \$10 to find out who it was." To many this disclaimer was not entirely convincing. It was felt that either he wrote it or he dictated it, for he "is badly frightened over the result of his letter and he is now trying to deny its authorship."²⁵

Rejoicing in the investigation committee's dismissal of the charges against Colonel Smith as "utterly false and groundless," the editor of the *Oglethorpe Echo* asked, "Can nothing be done to punish the originators of such reports?" When the big city newspapers "get real hard-up for news they can always manage to scoop up something about Uncle Jim Smith's convicts." The charges had "so often been proved to be baseless fabrications" that people had quit reading them. The editor, who had known Colonel Jim for many years and had often visited his plantation, seemed more upset in the present excitement than the Colonel himself. Continuing his comments, he said:

"The persistence with which the secret enemies of Hon. James M. Smith pursue their disreputable persecution of him has become notorious. Every now and then some great cock-and-bull story as to ill-treatment of convicts is sent to the department and an investigation is ordered. There has never been but one result—there can be no other.

"Mr. Smith must have an extraordinary amount of patience locked up in him or he could not so calmly submit to these continued slanders. The lie has been nailed to every report of his ill-treatment, and yet the department listens to every tale which may be carried to them. It seems to us that, after these continued evidences that Mr. Smith is a humane and law-abiding man, the authorities would realize that the slanderous

reports are inspired by no other motive than enmity, and would turn a deaf ear to such reports unless accompanied by convincing evidence from reliable authority. It seems preposterous to us—in view of the many false rumors hitherto exploded by investigation—that the department should continue to harass Mr. Smith upon the authority alone of an unreliable negro.” The state was put to needless expense to investigate such irresponsible charges and rumors; convicts were criminals who were dangerous and had to be handled firmly and too much gush and sentiment was being wasted on them. “They are humanely treated and firmly governed. The puny sentiment which drivels at the firmness and calls it cruel and inhumane is veritable bosh.” Undoubtedly Colonel Smith had “to resort to measures which he dislikes, but which are absolutely necessary to control them and prevent insurrection and perhaps bloodshed. . . . The penitentiary authorities should so consider it and be very careful how they prefer charges of cruelty and even of murder against an honored and upright citizen, even though he is a convict lessee.”²⁶

A closer neighbor of Colonel Smith’s, a resident of Winter-ville, was equally indignant: “When will the people of Georgia cease to regard Jim Smith as an idiot? Would a man (however depraved) of common sense, for a trifle, commit murder and take his chances of the chain gang? Do give him credit for having some sense and not think that he is a fiend incarnate.”²⁷

Of course, the convict lease system was a matter of concern not only in Georgia but throughout the country, and as many Northern publications had been revelling for many years in publishing anything to the discredit of the South, they took special glee in accepting and elaborating any rumor of cruelty to convicts. The *Churchman*, a religious weekly of the Protestant Episcopal Church, published in the city of New York, accepted Bunsey’s tale as gospel truth, noting that the convicts had been ordered to work on Sunday and on “the refusal of some of their number to do so, he ordered the guard to fire on them, which was accordingly done, and two or three were shot dead.” The Episcopal rector in Athens set the paper right by sending to it the facts.²⁸

Colonel Jim, himself, of course, had something to say about these charges. He recalled his past record, how the Principal Keeper had reported to Governor Alfred H. Colquitt, during

his administration, "that the Oglethorpe branch camp was the best managed of any camp in the state of Georgia or in the United States," and how Governor McDaniel had said that it "was managed in a most admirable manner."²⁹ An Athens newspaper editor commented: "At last accounts, Hon. James M. Smith was still in a good humor. He can well be. A man who has 2,000 bales of cotton in sight can afford to bury a convict under every corn-stalk. . . . Cotton is king, and Col. Smith is his high loyal retinue."³⁰

In the meantime the feud between Colonel Smith and Doctor Westmoreland had shown no signs of dying out, largely because the Doctor had seized the offensive. Rankling in his bosom were Colonel Jim's insinuations that he was a drunkard and an opium-eater. He wrote a letter dated Christmas Day, 1886, and handed it to one of his friends to carry personally to Colonel Jim and tell him that if he would "step out of the state," he would deliver the letter to him. These precautions were necessary in order not to violate the laws of Georgia, for the letter contained a challenge to a duel—demanding "that full and speedy satisfaction usual among gentlemen." Without much perturbation, Colonel Jim answered Doctor Westmoreland's second, a Mr. C. H. Williams, saying that the press of business prevented him from making a definite reply at that time. Receiving no reply Williams wrote him again in February, in March, and again in April. Finally Colonel Jim sent him a non-committal note saying that the delay had been "unavoidable." Williams sought in two more letters for a definite reply, in May and in June; but Colonel Jim ignored them. So, on July 2, 1887, Doctor Westmoreland made public the full correspondence, which he said showed "the character of the man." He thought that Smith "would have the courage to give me that satisfaction due from one gentleman to another," but now having learned otherwise, "I denounce this man as wilfully and maliciously issuing and printing slanders on me, and as too cowardly to accord me a meeting."³¹ Smith, he said, was "a cowardly slanderer, who will not hesitate at a safe distance to abuse a gentleman and when called to account covers himself up with any technicality that is convenient."³²

Now that publicity had been given to this attempt to promote a duel, Colonel Smith said that Doctor Westmoreland had sent Williams to "call on me with a polite request that I step

outside the limits of the state that he might deliver to me a communication from Dr. Westmoreland." "I am a plain farmer and not accustomed to affairs of honor," he observed; but he understood that the person who was challenged had twice as long to answer the challenge as the challenger had taken to send it after the offense complained of. If that was true, Colonel Jim said that he still had some time left, and was in no hurry to answer the Doctor. He was busy then laying by his crops and could not take time out to get the Doctor out of the mess he had got himself into by supporting the Bunsey charges. "In the meantime I do not think that my reputation will suffer much at the hands of Bunsey and Dr. Westmoreland." And now having seized the initiative, Colonel Jim impishly declared: "Dr. Westmoreland and Bunsey must go down in history hand in hand. They are as inseparable as the Siamese twins. I cannot permit Bunsey to be ignored or forgotten."³³

The challenge was never delivered, for Colonel Jim was not so foolish as to "step out of the state" into Alabama to commit an unlawful act, and as an Athens newspaper observed, "It was certainly a very singularly managed affair of honor and a bomb-proof one for Dr. Westmoreland."³⁴ And it later sized up the situation by saying that "Col. Smith is a cool clear-headed brave man, that is too shrewd to be led off by passion from what he considers the right course."³⁵ And as further proof of Colonel Jim's nonchalance in this affair as well as in others, when earlier he was shown Doctor Westmoreland's original charges published in the newspapers, he remarked, "Well, dinner is ready, and we musn't let it get cold. While we are digesting it we can consider what we must do with the Doctor and his card."³⁶

The threat of a duel was not the climax of the year 1887 for Colonel Smith. If the number of agencies engaged in investigating the convict camps and the number of reports they made could have solved the convict lease system, it would have been outlawed long before 1908. The grand juries of all counties having convicts made two annual reports of the camps under their jurisdiction; the Principal Keeper and the Principal Physicians made their frequent visits and reports; nearly every legislature sent a committee to investigate and report on the camps; and the governor could hold a hearing at any time one seemed desirable.

In addition to the reports on Colonel Smith's camp made by Dr. Westmoreland, the Negro Bunsey, and the New York *Churchman*, and the report of the Penitentiary committee which had investigated the camp and cleared it of any infractions of the law, there had accumulated during this year some serious charges against other camps which had not been sufficiently examined. These camps were in Penitentiary Company Two and in Three, one fourth of the latter company being owned by Colonel Smith. The other stockholders in this company were United States Senator Joseph E. Brown, James W. English, and T. J. James. Although Colonel Smith's camp had been cleared by the committee investigating the Bunsey-Westmoreland charges, as a member of Penitentiary Company Three he would be required to attend any hearings in which his company was involved, and answer any charges whether by Bunsey-Westmoreland or by others.

The governor before whom the hearing would be held, was John B. Gordon, who had been one of the original lessees in Penitentiary Company Two but had sold out his interest before this time. The hearing was set for September 1. To represent the state, Governor Gordon employed at not more than \$250 each two outstanding Atlanta lawyers, George Hillyer and Hoke Smith. Colonel Smith, who always in any legal matter secured excellent counsel, was represented by a succession of able lawyers, changes having been made necessary by the long-drawn-out hearing and other commitments by the lawyers. His first counsel was W. N. Howard, solicitor of the Northern Circuit, who was followed by Alexander S. Erwin, who frequently did legal business for Colonel Smith. Following Erwin was former United States Senator Pope Barrow, another Athens lawyer. Colonel Smith's final lawyer was Henry Jackson, of Atlanta.³⁷

On account of the number of prominent people involved, there was great expectation on the part of the crowds who assembled and generally filled the Supreme Court chamber in Atlanta, where the hearings were held. A delay of a week was allowed at the request of the defense, and so the proceedings did not begin until the 8th of September. After the hearings had been going on for four days, Governor Gordon found it necessary to suspend them for ten days while he made a pre-

viously-scheduled trip to the North. On the 21st hearings were resumed and continued through the 29th.

Although Colonel Smith was a fourth owner of Company Three, he was personally responsible for only those camps which he had set up. Most of the time taken up in the hearing was given over to charges against other camps. On only two or three days was Colonel Smith involved at all. Conditions at his Wrightsville camp which had been investigated previously and corrections made, were aired again; and charges of sickness and improper diet at the Smithonia camp were taken up.³⁸ Towers, who in 1885 had succeeded Nelms as Principal Keeper of the Penitentiary, testified that he had found the barracks which Smith had put up at Smithonia in good condition, and that he had always found the Colonel "straight forward, and no reason to complain of him." His "death record was phenomenal—with seventy convicts in three years there was not a death." On the last day Colonel Smith was introduced as a witness. In his testimony he gave a short history of his convict lease, how in 1879 he had bought "a small interest from W. W. Simpson" in Company Three and how the next year he had bought a further interest from Thomas Alexander, so that now he owned 125 shares or one fourth of the company. He began with twenty-five convicts and had gradually developed to the point where the average was about ninety. He clothed and fed his convicts better than his hired labor chose to feed and clothe themselves.³⁹

Although the hearing was concluded by the end of September, Governor Gordon did not hand down his decision until November 8, when he fined both companies \$2,500 each. But as the fines were levied against those owners of that part of the companies which had come under fire, and not against the company as a unit, Colonel Smith escaped without having to pay any part of the fine against camps included in Company Three—his camps had been cleared of violations of the law.⁴⁰

From the beginning of the convict lease system, many Georgians had expressed grave doubts of the wisdom of placing the state's prisoners in the hands of private persons and companies despite all the safeguards included in the laws and rules set up by state authorities. What had started out as a weak protest grew with the years until it became an emotional crusade, which culminated in 1908 in the final abolition of the system.⁴¹ In-

vestigations by the legislature had shown barbarous conditions in many of the convict camps, especially in the mining camps, but Colonel Smith's Smithonia camp (the only one he had in the latter years and made up of misdemeanor convicts) never came under condemnation.⁴²

But the fact that Smith still used convicts brought him into the picture, for the *Atlanta Georgian*, which was now in 1908 carrying on an unrelenting campaign against the system, was seizing every means to influence the legislature. It accused Smith of using his hidden hand to secure votes in favor of a continuation of the convict leasing. Colonel Smith denied that he had ever tried to influence the legislature in matters relating to convict leasing, except in 1903 when various members asked his opinion on the bill that was up at the time, and he replied that he would like to see as many convicts as possible worked on the public roads. He added that he had "owned a smaller interest and worked fewer convicts than any other lessee. Why parade me before the public in a false light? I am a private citizen, looking after my business. I am surprised at the attack you make upon me."⁴³ Still the *Georgian* was unconvinced: "Does anybody believe that James M. Smith, who has reaped a fortune from Georgia's convict slaves, is unrepresented?"⁴⁴

Certainly leasing convicts added nothing to Colonel Smith's fame, and probably working them in agriculture added nothing to his fortune; the profit he made from convicts was in placing them under contract for railroad grading, lumbering, brick-making, and mining, and after 1897, in subleasing them. And the Colonel had got himself into excellent company in leasing convicts when he found such fellow-lessees as a governor of the state, a United States Senator, and capitalists. But throughout the whole system of convict leasing from 1868 to 1908 (including both penitentiary and misdemeanor prisoners), the great number of camps, the disregard of the law and established rules, and irresponsible guards made possible unbelievable cruelties. It was the fate of the well-managed camps to be judged by what happened at the worst; and Colonel Smith laid himself open to the hazards of such a judgment when he entered the convict-leasing system and stayed with it to the end. To use one of his aphorisms: "If you lie down with dogs, you will get up with fleas on you."

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Chapter VIII : IN THE LEGISLATURE
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NOT all of Colonel Smith's life was bound up within the limits of his thirty-square-mile plantation. He was interested in his neighbors over in Madison County, and he kept track of friends and acquaintances in Clarke, Jackson, Greene, Wilkès, and Elbert counties and more widely over the state as time went on; but, of course, his own Oglethorpe County was one of his closest concerns. He was a frequent visitor in Lexington, the county seat, to transact business at the courthouse, or to greet his friends. As a sample of the newsman's reports on him: "Hon. James M. Smith was down from Smithonia Wednesday attending Superior court and attending to business matters," probably buying a city lot or bidding off land at public outcry in the settlement of an estate or getting a deed recorded, or just "shaking hands with his friends."¹

He frequently served on petit juries; his name was on the jury list from the beginning of his residence in Oglethorpe County. Quite frequently he was on the grand jury, and almost invariably its chairman; and in the 1890's he was one of the six Jury Commissioners appointed by the Superior Court judge to revise the jury lists. Now and then he was on the Tax Equalization Board, which was designed to prevent unjust tax burdens. On one occasion, as chairman of the grand jury, he had stipulated the price that the county newspaper, the *Oglethorpe Echo*, should charge for publishing the presentments of the jury. Though the editor was a close friend and supporter of Colonel Smith, he became furious at this attempt to tell him how to run his business by fixing the prices he should charge. Colonel Smith replied that the jury had been ordered by the judge to set the price it would pay. In answer to this explana-

tion, the editor replied that it was no more the business of the judge to fix the price a newspaper should charge for publishing legal notices than for him to tell the road commissioners "to buy twenty bundles of fodder for the county mules and pay six and a quarter cents."²

Colonel Jim's first exciting service to his county was in the election of 1870, when Georgia was about to emerge from Radical Reconstruction. In 1868 Negro voters, who outnumbered the white four to one, had elected one of their own race to represent Oglethorpe County in the state legislature. In the next election the white people were determined that this performance should not be allowed to happen again. John C. Reed, famous in Ku Klux Klan annals, advised the sheriff to appoint fifty deputy sheriffs "to see that there was a fair election." One of them was Jim Smith (not yet having won his colonelcy). On one of the three days allowed for voting, three thousand Negroes lined up at the Lexington courthouse to elect their candidate. Taking out his watch and holding it in his hand, Reed announced that he would give the Negroes three minutes to disburse. They marched away without voting, and since that time no Negro was ever to sit in the legislature from Oglethorpe County.³

Four years later, Colonel Smith (having by now won his colonelcy) was elected to the lower house of the legislature by securing 700 out of the 900 votes cast, and thereafter he was re-elected twice in succession without opposition, serving from 1877 to 1881. In 1884 he was elected for a term in the senate. It being the custom to publish a book of biographical sketches of members of the state government, Colonel Smith was described in the sketch relating to him as "a Democrat of the most unswerving type, and, even in his early manhood, exemplified his devotion to Democracy." He was "one of the remarkable men of the present General Assembly, . . . esteemed by his people for his staunchness and public spirit, . . . [and] admired by his friends for his solid worth, generosity and genial disposition."⁴ According to an estimate of his record, he was "an able and staunch representative of the interests and the rights of the people of Georgia. He was at all times watchful of the public weal, and the active opponent of every measure likely to prove injurious to the general prosperity."⁵

Since he had already become well known as a successful

planter, it was to be expected that he would be appointed on the Committee on Agriculture. Throughout his service in the legislature he was on this committee and part of the time he was its chairman. He also served on the Committee on Internal Improvements, both as chairman at one time and at another as a member; on the Committee on Finance; on the Committee on Military Affairs; on the Committee on the State of the Republic; and on several special committees, such as the one to notify the governor that the senate was ready to adjourn, and notably in 1879, on the Special Committee to Investigate the Agricultural Department, of which he was chairman.⁶

The Department of Agriculture had been set up in 1874, the first established by any state. Dr. Thomas P. Janes was the first Commissioner, and having no precedents, either in Georgia or elsewhere, to guide him in organizing and administering the department, he became subject to considerable criticism. It was his duty to enforce the tax on commercial fertilizers, and it was here where he came under heaviest condemnation. In the hearing before the special committee Colonel Smith was searching and relentless in pursuing the witnesses, including, of course, Dr. Janes. Before the hearing had been completed, Dr. Janes resigned.

In the report which Colonel Smith submitted to the house, consisting of 150 printed pages, he detailed how the fertilizer inspection had been carelessly carried out. Fertilizer was inspected both in Georgia and even outside by some special agent; it was tested in bulk and inspection tags bearing the stamps were sent out. These tags might easily be attached to sacks of fertilizer which had never been inspected. Though the law of 1877 provided that the "fees shall be paid by the manufacturer, agent, or dealer, procuring the inspection," the fee, which was fifty cents per ton, was passed on to the buyer in a higher price. This was an unjust tax on the farmer because it increased the price. What Georgia needed was cheaper fertilizer, which would make farming more profitable and keep Georgians from migrating to other states. Give Georgia a cheap fertilizer and then "The red hills and barren fields will be covered with golden grain." Farmers were not given justice: "The money-lender often escapes from bearing his just proportion of the burdens of government, but the poor farmer is made to pay tax upon his rocky knolls and gaping gullies. His every inch of

land is taxed. He cannot hide it; he cannot escape it. Though his wife and children cry for bread, the tax gatherer walks his rounds."⁷

The committee recommended a bill to prevent frauds in commercial fertilizers and to regulate their sale. Legislation on this subject was not passed until 1882, when Colonel Smith was no longer a member of the legislature, but his report led to the passage. The law required all manufacturers of fertilizer to submit their formulas to the Commissioner of Agriculture and secure his approval before they might begin operations.⁸ The other part of Colonel Smith's campaign to aid the farmers was not enacted into law until 1889, and again although he was not a member of the legislature at that time, his influence was felt in its passage, and his friends gave him credit for the law. This law reduced the inspection fee from fifty cents per ton to ten cents; and sixteen years later a friend of Smith's in giving him credit for the law, said that it had saved the farmers up to that time \$5,000,000.⁹

Farmers were constantly in debt and in need of money, and although Colonel Smith was already a frequent lender of money and would later greatly extend this business, he favored a law which was passed in 1879, reducing the legal rate of interest from 12 per cent to 7 per cent, "where the rate per cent. is not named in the contract, and any higher rate must be specified in writing, but in no event to exceed eight per cent. per annum."¹⁰

As a member of the Constitutional Convention of 1877, old Robert Toombs was responsible for a clause in the constitution which this convention made, giving the legislature the right to regulate railroad rates. In 1879 the legislature passed a law setting up a Railroad Commission with rights to fix rates, which were not subject to judicial review. In 1885, the legislature had under discussion a bill to limit the powers of the Commission. Colonel Smith was at this time a member of the senate and took a prominent part in the debate. Now for the first time, he seemed to be taking the part of the businessman and corporation instead of the common man, whom he had been fighting for in his previous legislative career; but he was not departing from the principle which he always held sacred—justice without regard to whom it helped or hurt. Now he was

fighting for the right of the railroads to appeal to the courts the rate decisions of the Commission.

Georgia had built her railroads and grown strong and great without the aid of a railroad commission; and although he had great respect for Robert Toombs, who was architect of the railroad law, yet Toombs did not represent all Georgia opinion. The Commission by its arbitrary decisions did great harm to the state, because nobody would build railroads or invest money in them in Georgia, where they had no control over such property. "Give to every man and every class of men," he argued, "the benefit of his energy, industry, labor, judgment, skill and good fortune. Then our country will be free in practice as well as in theory."

"No one can deny," he continued, "that railroad building is at a standstill in Georgia today. The people are everywhere clamoring for more railroads, and cannot get them. The business men and capitalists refuse to invest money in railroads. When asked why, they reply: 'We are afraid to put our money where we cannot control it.' There is no doubt resting on my mind but that the arbitrary powers granted our Railroad Commission, have prevented and is every day preventing money from being invested in railroads."

He could not be accused of self-interest in what he was saying; he had neither railroads nor charters at this time, as he might well have stated; but he had railroads on his mind, for two years later he petitioned for a charter to build his Winterville and Pleasant Hill Railroad. "I have not a dollar's interest in any railroad in Georgia or elsewhere," he said, "but I have an interest in the prosperity and future growth and development of my State which outweighs the temporary plaudits of those who yield to passion and prejudice rather than to reason, justice and right. I want Georgia to be in the future as she has been in the past, the Empire State of the South. In no way can she contribute more to the attainment of this proud position than by the justice and undisputed impartiality of her laws."¹¹

As a member of the lower house of the legislature, Colonel Smith was one of two representatives which Oglethorpe County sent to Atlanta; but when he became a senator he represented several counties, since a senatorial district included more than

one county. He was thus becoming more widely known politically; but his main interest was not in politics, and in fact he said at this time that he had no further interest in public life as far as running for office was concerned, for this was his last race. The previous year he had said, "I am nothing but a plain farmer and a democrat, and do not aspire to be anything else. . . . My private business claims all my time and attention."¹²

Whether in politics or not, Colonel Smith became by far the most important man in Oglethorpe County, and he did not entirely eschew politics either in Oglethorpe or in the larger field of state and even nation—but he was not an office seeker.

From now on there was probably not a year in his life when he was not a member of the County Democratic Executive Committee, and frequently he was its chairman. Indeed, Oglethorpe County (and some regions beyond) might well have been called "Jimsmithdom." It was charged that anyone would be foolish to expect to be elected to any political office in this region without the approval of Colonel Smith. After his death, one old lady gave this testimony: "He had his own way and he got his own way until he got so much money,—well he ruled,—whichever way he wanted the court to go,—it went that way,—he ruled Lexington Court,—you might as well go hang a man if he said so,—I can tell that and tell the truth."¹³

If Colonel Smith ruled his little kingdom it was more through benevolence than through fear. Generally he attended the two yearly sessions of the Superior Court in Lexington, and it appeared that almost everyone else in the county did the same. During the hours when the court was in session the judge was, of course, the important man; but when the noon recess came the Colonel became the important man. Everybody wanted to know what he thought about everything. And frequently Colonel Jim would talk to all of them at once in a speech, though he did not seek for such performances. At the fall term of court in 1891 he made a long-promised speech, dealing with the past and the present opportunities of Oglethorpe County. He told how in the early days it had been the third wealthiest county in the state and how those wealthy men moved away with their families, taking everything else except their worn-out lands. For forty years they had robbed the land of its fertility and thereby had made their wealth and had put nothing back. Oglethorpe County needed intelligent agriculture, new industries,

and new crops. People should love their land and build it up, and not flock off to the cities. He talked for three-quarters of an hour, but his hearers wanted two hours more. According to the newspaper reporter, "He won the unbounded confidence of his hearers in his extreme loyalty to our county and his sincere interest in the welfare of all the people."¹⁴

At a good-roads meeting in Lexington, the same year (1891), acting as chairman he made "one of those little off-hand talks in which he generally crowds so much reasoning and good advice." He dealt with the duty of citizens to the community in which they lived. He was prevailed upon to make this same speech at the next county court day.¹⁵

On the Glorious Fourth, people were too busied with horse racing, ball games, bicycling contests, to listen to the homespun speeches of Colonel Smith—and he was never the one to offer them. In 1903, Governor Joseph M. Terrell was invited to make the speech at the Lexington celebration and agreed, but later he announced that he could not come. The planners immediately turned to Colonel Smith, who reluctantly promised to come if he could get away from his plantation duties. In due time he found it impossible to accept—kept away probably not so much by business affairs as by his personal and political dislike of Terrell. It would have been belittling to substitute for a governor whom he did not like.¹⁶

He was generally in personal and political accord with the various governors. Governor Gordon at the beginning of the convict lease hearing in 1887 appointed Colonel Smith and William J. Northen, a future governor, to represent Georgia in the National Farm Convention, which was to meet in Chicago; and in 1902 Governor Allen D. Candler appointed him as one of the commissioners to attend the Louisiana Purchase Exposition in St. Louis.¹⁷

Although Colonel Smith was not an office seeker, he never had any intention of giving up his interest in politics, local, state, and national. He was for many years a member of the State Democratic Executive Committee, and several times its chairman, and he attended many state Democratic conventions.¹⁸

Beginning in the 1870's and continuing on down into the 1900's, a movement which was promoted principally by the farmers of the nation, and which functioned under such names as Patrons of Husbandry (Grangers), Farmers Alliance (Al-

liancemen), and People's Party (Populists), gave the two main political parties much concern. These successive protest organizations were inspired by the same hard times on the farms and they had the same solutions: higher prices for farm products through a decrease in acreage (especially in cotton) and through an increase in the money supply by issuing money on farm products in warehouses. There were many other items in their programs, including such political remedies as the direct election of United States senators.

The Grangers were of little importance in Georgia, but the Alliancemen had a greater appeal and by 1890 they had in the state over 2,000 lodges with more than 100,000 members. They had a secret ritual in which it was stated: "We are allied together to render the lives of farmers and laborers more attractive, country life less lonely and more social, and to better our financial condition." And all members should remember that they were brothers, "for he who holds the plow may yet be called to guide the helm of State—the wisest know not how soon."¹⁹

Much of the Alliance program was what Colonel Smith had been advocating long before the Farmers Alliance was organized; and although he was not one of the originators or high chieftains in it, he joined. That part of the ritual predicting that Alliancemen might soon be called on "to guide the helm of State," though not known outside the membership, was easily surmised as one of the purposes of the Alliance, and led the Democratic Party in Georgia to take fright. Staunch Democrat that he was, Colonel Smith insisted that it was not a threat to the party; but the Democrats in 1890 nominated for the governorship the choice of the Alliancemen, William J. Northen. John Temple Graves, rising orator on the Georgia political horizon, made the nominating speech and Colonel Smith seconded the nomination in an address that "was a masterpiece of eloquence," as described by an over-enthusiastic admirer, who said further, that of "the many fine addresses made on that occasion, none compares with the one delivered by the great planter."²⁰

Northen was elected, of course, as the Republican Party in Georgia was moribund and the Alliancemen had not broken away from the Democrats to form a third party. Speaking to a gathering in Elberton, Colonel Smith said that he was as much an Allianceman and a Democrat as ever, and an advocate

always of farmers' rights. The farmers did the hardest work and got the poorest pay of anyone under the sun. He asked all who agreed to hold up their hands, and as the reporter put it, two thousand hands went up "as quickly as those in a passenger train out West in the days when Jesse and Frank James entered a car and commanded, 'Hands up!'"²¹

Not getting all that they had expected from the two great parties in the nation, the national leaders of the Alliancemen with whatever other protest organizations they could entice in, formed the People's Party. Here was, indeed, a third party nationally. Would it become so in Georgia? It was certainly a fundamental threat to the Georgia Democracy. It might revive the Republican Party here, and then the Negro vote would be the deciding factor, since it would be courted by all three parties. But, indeed, if the Alliancemen joined the Republicans outright and thereby should leave only two parties, the Negro vote then would be even a greater threat to the Democrats, for it was assumed that the Negroes would vote the Republican ticket. All were now looking to the election of 1892.

Colonel Smith declared that the Alliance was "a great movement for the relief of the farmers, for it tends to bring about that organization and unity so essential to the protection of its members"; but he warned that it must use its powers "wisely and conservatively, and . . . battle for redress in the Democratic party." If Alliancemen joined a third party then they would "have both the old parties to fight." "It takes time to build up a new party," he said, "and from the deplorable condition of our agricultural element, they have no time to lose. 'While the grass grows the steed starves.' What we most need is an increase in our currency, and I want to see a circulation of \$100 per capita.

"The farmers of Georgia, I do not believe, are ready for any third party," he continued, "for they would be the greatest sufferers from such agitation. It is sure to bring the negroes back into politics, and demoralize our only source of labor. I cannot imagine a greater calamity that could befall the planters of our state or of the South, than for the whites to divide and leave to the negro the arbitration of our political affairs. Just precipitate a third party in Georgia next spring, and there will be no necessity of the farmers' combining to reduce the cotton crop, for the politicians will save them the trouble,

and they will also cut down the grain and every other crop. We southern Alliancemen are peculiarly situated, and the only way that we can control our labor is to keep the negro out of politics as much as possible. Experience has taught us that he will not vote and work the same year."²²

The Populists were a third party in the nation, who nominated their candidate for president, and gained strength in Georgia sufficient to hold their convention and nominate a candidate for governor, William L. Peek, an Allianceman. The Republicans joined the Populists and the more radical Alliancemen in this nomination. The Democrats renominated Governor Northen. Colonel Smith now became more active politically than he had ever been before, both in the state and in the nation. He went to Chicago as one of Georgia's four delegates-at-large to the National Democratic Convention, which nominated Grover Cleveland for the presidency. No state would have "a more able representative in that convention than will Georgia in Col. Smith," remarked the Oglethorpe newspaper editor.²³

Back in Georgia Colonel Smith set out in the late summer on a speaking tour which took him to many of the small towns in the upper part of the state. At Jefferson, in answer to the charges of the Populists that the Democrats were responsible for hard times on the farm, he asked, "Why should there be such people as calamity howlers?" and added that a "white man can't afford to be anything but a Democrat when he has a full respect for the past and a proper feeling for his wife and children."²⁴

At Beaverdam Church, near his own door-step, Colonel Jim addressed 1,200 people gathered together at a barbecue. Though he was not one of the scheduled speakers, the crowd insisted that he speak.²⁵ The Colonel was an effective campaigner among the country people; he knew as well as anyone in the state all their prejudices and pet foibles. Up in Habersham County, a great gathering near Currahee Mountain, which had been swayed by a Populist speaker who brought tears to their eyes as he retailed the trials and tribulations of the "one-gallus boys," was turned over to Colonel Smith to make reply. Now, it seemed an impossible task for anyone to wean away from Populism this crowd that had been so completely captured; but Colonel Smith, who knew his countrymen, was able to do it. He began by saying that he was a friend of the "one-gallus boys," for he, himself, had been one of them

thirty years ago, in the days of their "undefiled purity and innocence." Every one wore "a pair of home-spun and home-made copperas breeches," with only one pocket reaching down almost to the knee, and it was his greatest ambition to fill it—and even if it was filled with nothing but hickorynuts to make it bulge out, it made him "satisfied and happy." He "lived at home and boarded at the same place." Such was the simon-pure "one-gallus boy," in the days of an undefiled republic, "prosperous and independent."

But now who were the "one-gallus boys"? Really they were frauds and imposters. Make them "shuck that store-bought coat, and you will find that they now sport two galluses," and instead of one long pocket partly filled with hickorynuts to make them feel good, they now had five pockets and their ambition was to fill all of them. "In one they will put a quart of mean corn liquor; in another a deck of cards; in another one of those \$2.50 pistols, that kill at both ends; in the fourth a package of cigarettes; and in the little fob pocket over their bread baskets one of those \$1.25 watches, that it takes a half day's hard work to wind up." As one extravagance bred another, with all five pockets now filled, the "'one-gallus fop' of this age and day must next invest in a red road cart, hitch to a \$25 Texas pony, and start through life at [a] 2:40 breakneck speed, and only touch the ground in high places." The Colonel ended his talk by saying: "But I take no stock in the mystical five-pocket-Texas-pony-one-gallus boy! He is a fraud, and we are wasting our time mourning over his imaginary troubles and wrongs." The one-gallus boys were extravagant tricksters parading under the name of one-gallus boys. What the country needed was less extravagance and more living at home and a return to "the innocent and economical ways of our forefathers." From that time on the "one-gallus boys" were never heard of again in the Currahee Mountain region, and the Democrats carried the county in the election.²⁶

Colonel Smith in his speeches knew how to win over the crowds by using homespun similes and country expressions. At a large political meeting on the Broad River near the three-county corner of Oglethorpe, Wilkes, and Elbert, Colonel Smith divided time with three other speakers, two of them being Third Partyites, as the Populists were generally called. The speaking began at 10 o'clock in the morning and lasted until

6 in the afternoon, with one hour out for dinner. Here the Colonel said the Third Partyites reminded him of the measles. This disease often broke out in spots over the country but if it could be made to break out everywhere it would soon run its course, and people would be rid of it. So it was with the Third Partyites: they broke out here and there, but "if they would all take a little Democratic catnip tea it would cause them to break out good and get better,"—and rejoin the Democratic Party. The Negroes, being a pawn in this election and courted by both parties, were present in considerable numbers, and a Negro brass band from Elberton had been invited to make music; but some of the crowd threw rocks and sticks at the band as it was crossing the river and refused to let it play. The Democrats accused the Third Partyites of being guilty of this rowdyism. Being convinced of the truth of these charges, the Negroes went away determined to vote the Democratic ticket.²⁷

So successful a speaker did Colonel Smith prove himself that he was invited to carry his campaign into the North, in support of the national ticket. He was expected to go to Illinois and other doubtful states, but no evidence has been found to indicate that he accepted. In support of this invitation, a newspaper editor said, "If any Southern man can route [rout] Republicanism on its own dunghill Col. Smith can."²⁸

Grover Cleveland was elected president, and William J. Northen, governor; and Colonel James Monroe Smith, not running for office at all, was pleased, for he had helped in the election of both—and what probably pleased him more was the fact that his precinct in the Pleasant Hill Militia District cast 123 votes for the Democrats and 7 for the Third Party. In Oglethorpe County it was 867 and 278 respectively.²⁹

Illogical as it may seem, Colonel Smith's activity in this campaign was probably heightened by the fact that he was not running for any position on the Democratic ticket. He had no ambition for any political office and frequently said so. In 1887 his name has been mentioned for Congress and again in 1890; also in 1890, when various people suggested that he run for governor, in forthright language he declared that when he went into politics as a profession he would burn down every building on his plantation and let his fields go to grass. Nevertheless one supporter insisted that the Colonel would make the best governor the state ever had, but he knew that Colonel Smith's only

ambition was "to show the country what can be accomplished by scientific farming on our old hills."³⁰

Two years later, the same chorus early began again that Colonel Smith should run for governor. As he stroked his grey whiskers he told a reporter for the *Atlanta Constitution* that his many plantation activities kept him busy and that he was thinking of developing the great granite deposits which underlay much of Oglethorpe County.³¹ But still there were those who thought that he might be pushing away the crown without meaning it. He had recently bought control of the *Athens Banner*, and it was assumed that he was getting ready to have a newspaper organ to further his suspected campaign. Again he denied any interest in seeking the office, saying "I am not a candidate for governor—not now; for my private business keeps me at home."³² And a friend, who knew him well, said it would be a great day for Georgia if the Colonel would run for governor, but as Smith had 20,000 acres of land to cultivate and his many other businesses on his plantation to look after, "it is nonsense to think of his sacrificing such sort of enterprises, and permitting the fruits of thirty years' labor to go to wreck, to gratify an ambition that is foreign to his nature."³³

There were various Georgians who were determined to push him into a campaign for the governorship even to the extent of slipping up on his blind side, assuming that he had such a side. In 1893, looking forward to the campaign the next year, they began suggesting that he let his name be presented to the State Agricultural Society for the presidency. Since he was so much interested in agriculture, he should not consider this a political office; but that was exactly what it had come to be, for already two men had stepped from that position into the governorship, including Northen, who was then the chief executive of the state. But nothing came of this move.³⁴

Chapter IX

PEOPLE who met up with Colonel Smith in Lexington, Athens, Elberton, or along the country roadside might not only ask him what he thought the price of cotton would be in November or March, but just as likely they might want to know who the next president of the United States would be; for Colonel Jim was looked upon as almost as great a sage in politics as in agriculture. In 1896 he was a Free Silver delegate to the National Democratic Convention in Chicago, which nominated William Jennings Bryan for the presidency. Three years later he predicted that Bryan would be nominated again and that he would win the election if the Philippine War was not soon brought to an end.¹

In 1900 a visitor to Smithonia after viewing Colonel Smith's rolling acres of cotton and grain remarked, "To me, it seems to be more notable to be the largest farmer in Georgia than to be its governor."² But many of Colonel Jim's old friends believed that he could be both, and though the Colonel had firmly pushed away the crown a decade earlier, denying that he could be both, they were determined to try again. Allen D. Candler, having been elected to the two terms customary for Georgia governors, would not offer again in 1902. Now, why not Colonel Jim? Pope Brown, who was a member of the Railroad Commission, and on good terms with Colonel Smith, was becoming interested in moving up to the governorship. He visited at Smithonia for a few days, and the report came out that if he ran Colonel Smith would support him, but that if he did not, the Colonel might get interested and that Brown would support him. It soon turned out that Brown would rather have the four more certain years he had on the Commission than to enter a race for a prize he might miss.³

Now Smith was not as positive in rejecting the idea of running as he had been in 1890 and 1892. In fact he would toy with the idea and see how strong the demand might become. The cry soon went up and reverberated over northeast Georgia: We must have a farmer and businessman for governor and get away from the old politicians. No one could fill this bill better than Colonel Smith, said the *Oglethorpe Echo*, and the *Washington Reporter*, down in Jim's native county of Wilkes, remarked that he was well known all over northeast Georgia "and is the largest and most successful farmer in the State, and is a gentleman of the highest order and ability."⁴ The *Athens Banner*, over in Clarke County, said that people all over the state were writing Colonel Smith and begging him to run.⁵ Down in Crawfordville, in Taliaferro County, where the old statesman Alexander H. Stephens had lived, arose a voice proclaiming Colonel Smith to be a man whom no one throughout the state approached "in practical knowledge and executive ability." Furthermore, "His very extensive farming, dairying, oil mills, guano factory, grist mills, merchandising, railroads and divers other industries all are enough to tax the executive abilities of a dozen men. Yet from his own genius they have all sprung and are flourishing as though controlled by an unearthly hand. . . . For integrity of character, exalted sense of honor and eminent fitness to grace the gubernatorial chair Colonel Smith is easily the peer of any Georgian, which I assume, no man will gainsay."⁶

On Thanksgiving Day of 1901 there was quite a gathering at Smithonia, and it was reported that plans were being laid for Colonel Smith's campaign; but he denied it, and said that his guests had dropped in on him unannounced.⁷ Though the Colonel did not say so, it was well known that anyone was welcomed at his home and table on any day. But it would be hard to believe that politics was not a subject of conversation this Thanksgiving Day. A Middle Georgia newspaper editor remarked, "If all the Smiths in the state will vote for him, his chances are decidedly good."⁸ He might have added that it was unfortunate that Smith was not from Jones County, for then "Smith from Jones" would have added all the Joneses in the state and it would have been impossible for him to lose.

As letters from widely over the state and from all classes of people asking him to run piled up on his desk, he became

impressed, and remarked, "I have been led to believe that the great masses of the people of the state are favorable to me for that office."⁹ He began to visit Atlanta more often, stopping at the Kimball House, where most of Georgia's state politics was manufactured. He was seen talking to members of the legislature, and he did not fail to call on Governor Candler. Senator John N. Holder from Jackson County, already an important power in state politics, was strongly urging Colonel Smith's candidacy.¹⁰ On January 20, 1902, Colonel Smith writing to Judge Alexander S. Erwin, his close legal and political adviser, after noting how busy he had been, said, "I will now devote more time to my candidacy."¹¹

The old political manipulators, who considered the succession to state offices their own business, were at first slightly amused at the thought of Smith running, but as the speed of the demand for Smith increased they became somewhat alarmed. They spread the report that Smith was willing to spend half his fortune (which they rated at this time to be \$200,000) to obtain the governorship. The *Savannah Morning News* said the charge was "preposterous." "He isn't that kind of a man. No one who is acquainted with him believes for an instant that he would have the governorship if he had to buy it. He is a man of too high a character to think of using money to get votes, but no doubt there are many in all parts of the state, who know him only by reputation, who would be influenced against him by such a story."¹²

Very soon the hierarchy in Atlanta let the cat out of the bag; the next governor should be Joseph M. Terrell, the Attorney General. In January, 1902, he made his announcement and gave out his platform.¹³ Prohibition was the principal issue. Colonel Smith was pleased neither with the man nor his platform. He felt that Georgia needed something more than prohibition, and those men, big and little, who were promoting Smith thought so too. In a letter to Judge Erwin, he said: "I have read Terrell's Manifesto. He crooks his gun before he shoots; he will and he won't; he may and he may not. If the people are for prohibition, then Terrell is for prohibition. If the people are for Local Option, then Terrell is for Local Option. He dodges the issue. His Manifesto is open to all sorts of attacks. He discourses for a personal benefit and dodges the merits of the issue."

But Colonel Smith was not yet giving up his unannounced candidacy. "I have been carrying on a correspondence with my friends in the various parts of the Country and have received very favorable reports. I have not paid a great deal of attention to Clarke, Madison, Elbert and some other counties close around. I have been paying attention to counties further off." Then he alluded to a rumor which might have some bearing on the contest: "I have been told by a very reliable and intelligent gentleman that both the Journal and Constitution are owned, at least a controlling interest, by capitalist[s] in New York and Boston. The politics of either paper are liable to be changed at any moment by one telegram."¹⁴

The next month the *Atlanta Constitution* displayed on its front page a picture of Colonel Smith and said that he would announce his candidacy within a few days and set up headquarters in Atlanta. He had definitely told his friends that he would enter the race.¹⁵ Days and weeks went by, and still Colonel Smith did not announce; his friends were becoming impatient and the politicians anxious. Some thought the delay came from his getting his plantation affairs in order.¹⁶ "Here it is after Easter and Jim Smith has not 'lowed as how he will or he won't.' It's getting late, James," admonished the *Augusta Herald*.¹⁷ And then a news item in the *Atlanta Constitution* indicated that Colonel Smith might not run and that he would soon say so, adding that "nothing but the kindest expressions have been heard with reference to Colonel Smith." He had "a large number of warm friends and supporters in all parts of the state, and both his integrity and business ability are commented upon whenever his name is discussed."¹⁸

Finally on April 7, he announced that he would not run. His health was "precarious and disappointing," and the early date of the primary, June 5, was another reason for his decision. From Colonel Smith's letter, it could be inferred that he believed the politicians in control of the party machinery at this time had set this early date to reduce the country vote. The Colonel did say that now there would be little time in which to do any campaigning and that the primary came when the farmers were busiest with their crops and could not be expected to come out to hear political speeches. If the primary had been fixed to come as late as August, he might have entered the race. If he had decided to run and had been elected it would

have been his ambition to give the state "the best business administration within my power."¹⁹

Although Colonel Smith did not enter the race, Terrell had the opposition of two other men, Col. J. H. Estill, editor of the *Savannah Morning News* and Dupont Guerrey, a former member of the legislature and a strong prohibitionist. Colonel Smith played no part in the campaign for any candidate, but he voted for Colonel Estill, who was a visitor at Smithonia in May.²⁰ His Pleasant Hill precinct cast 35 votes for Estill, 3 for Guerrey, and 1 lone vote for Terrell.²¹ He further showed his dislike for Terrell by not substituting for him the next year at the Fourth of July celebration in Lexington, as heretofore noted.

Since Georgians considered that one term deserved another in Georgia's gubernatorial chair, Terrell was re-elected in one of the state's deadest campaigns within the memory of man—no one in the Democratic Party offered in opposition. The Populists had been killed by prosperity in Georgia, though Tom Watson was running for president on the national ticket; and the Republicans were moribund as usual.

The 1902 affairs had not added much to Colonel Smith's already well-developed knowledge of politics but it had awakened in him a dormant if not almost extinct ambition for political office. He had always had a keen interest in politics but not in political office, which would take him away from his ever-present duties on his plantation. Though Smith had been progressive enough to support Bryan because of his Free-Silver-more-money program, yet the Colonel was by nature a conservative; and now in 1904 he favored a conservative for the Democratic nomination for president. And that man was Alton B. Parker.²²

In a glowing resolution the Oglethorpe Democratic Convention endorsed Colonel Smith for a delegateship to the Democratic National Convention to meet in St. Louis. He was a man, "whose wide experience, conservative judgment, accurate and comprehensive knowledge of public men and events, sympathetic understanding of the needs and interests of every class of our citizens, eminent himself as a most successful and practical farmer, a sturdy Democrat, schooled in the policy of the party and practiced in the administration of its affairs, both state and national, knows the value of property from having earned

it, appreciates the dignity of labor from having performed it, jealous of the interests of his party from having served it, a wise counselor for the future because he has succeeded in the past."²³

The state convention in Atlanta elected him one of the four delegates-at-large, which brought forth from John Temple Graves' newspaper the commendation: "The solid old statesman-planter has a warm place in the hearts and judgments of the people of Georgia." He was "a broad-minded, brave-spoken citizen."²⁴ Colonel Smith got his wish at St. Louis; Parker received the nomination and with Smith's help he carried Oglethorpe County (Parker, 719; Tom Watson, 101; Theodore Roosevelt, 5).²⁵ Parker carried also Georgia and the South, but not the nation.

Terrell had hardly taken his seat in the governor's chair in 1904 before candidates for the 1906 election began to appear on the horizon, for this was Terrell's second term, and the following one would be free and open for all comers. Before the end of the year Colonel Smith's home county of Wilkes was agitating his name,²⁶ and as far away as South Carolina his praises were being sung. The *Anderson (S. C.) Daily Mail* was saying in October (1904) that "he is a straight, clean, honest man. Nobody has ever charged that he achieved his success by oppressing the poor, that he ever made a dollar dishonest. It does seem that kind of man would make a good governor for the state of Georgia." It added that if Smith were a South Carolinian "we would support him against all comers."²⁷

Colonel Smith began the same kind of a "feeling-out" campaign which he had followed in 1902. He would not publicly announce, but he would let his friends spread the report that they had personal assurance that he would enter the campaign. As early as January, 1905, Larry Gantt, a close friend of the Colonel's, now on the staff of the *Rome (Ga.) Evening Herald*, said he had a letter from Smith saying he would enter the race.²⁸ The letter was probably a mimeographed one, which Colonel Smith was sending out over the state, dated "Jan. [blank] '05," with the day to be filled in. This was his letter:

Doubtless you have noticed my candidacy for governor two years hence. I wish to ask your valuable support and influence, and to assure you of my appreciation of the same.

Please advise me as to the sentiment of the people in your section of the state. I am very much gratified with the many assurances of support, which I am receiving from all parts of the state.²⁹

Soon Colonel Smith was being proclaimed, here and there, from North Georgia to the Florida line, as the people's candidate, and the appellation "Farmer Jim" began to gain currency. He represented no clique or combination. "The people—the common people—of Georgia have become tired of being led about by the politicians as if they had rings in their noses," declared the *Oglethorpe Echo*; and in South Georgia the *Fort Gaines Sentinel* said: "If the people of Georgia want a farmer for governor, a real sure enough farmer, and a man of brains enough to attend to his own business and make a success of it, a man who has not in the past decade been humming around in the political crowd hunting a job," then Colonel Smith was their man.³⁰

His supporters were calling on Smith to take the road and show himself to the people, who were anxious to hear what he had to say. Over in Elberton, it was announced in May (1905) that Colonel Smith would speak in June and that "Farmers who could not be pulled away from home with a steam engine on ordinary occasions will come to town to listen to a man who has made a great success of farming." This announcement was premature, for Smith had not yet agreed, because he thought the farmers ought not to lose a single day at such a busy time to come to hear him. He would speak in July when crops were laid by.³¹

The speech was not made in July, but in September. In the early part of the month 1,001 people joined in the invitation, and Colonel Jim accepted. Accompanied by a group of friends and supporters from the surrounding counties, he arrived on the Seaboard Railway and was met at the station by a delegation of Elbert County citizens. Beginning at noon he talked for an hour and three quarters to 2,000 people who attempted to get into the courthouse auditorium but many of whom were left standing in the aisles, the rear, and the hallways. Since Colonel Smith was a bachelor and there had been some innuendoes about his private life and about the wisdom of a bachelor in the governor's chair, he gave special attention to

this subject. A number of ladies were in the audience and were quick with their applause and on occasions during the speaking they started it. At the end of the speech, there was sent to the stage for the Colonel a large bouquet with a card, "From your many lady friends in Elberton and Elbert county."

He emphasized the part women played in civilization and the great necessity of educating the girls of every generation. "No state can rise higher than the virtue and intelligence of her women," he declared. "An educated mother will always devise some plan to educate her children, and will exercise wholesome influence over the whole family." Turning to the women in the audience he confessed "that the greatest mistake of his life was leading a life of celibacy, but they must bear in mind that it takes two to make a bargain and the fault could not be laid altogether at his door." It was "never too late to reform or amend," and he hoped yet "to prevail on some nice lady to preside over the executive mansion" when he became governor. And as for bachelors in high places, he called attention to the fact that every Democratic president of the United States during the past quarter century had been a bachelor when he was elected—James Buchanan, Samuel J. Tilden, and Grover Cleveland. (Being a die-hard Democrat he held that Tilden had been elected.) And it was not without pertinency to mention the late Alexander H. Stephens as a recent bachelor governor of Georgia.

Since this speech was Colonel Smith's first public announcement that he was in the race for governor—"I . . . have become a candidate, and am in the race to the end"—he gave some planks in his preliminary platform. He did not belong "to any political clique or ring or combination." He had no big newspapers to sing his praises and was not depending on railroads or other corporations for support. He was putting his reliance "upon the people—upon the unbought and unpurchasable yeomanry of the land—upon the men who follow the plow and handle the hoe in times of peace and shoot the gun in time of war—upon the horny handed sons of toil, the great common people who are not only the right arm, but both arms of the state."

As for the Negro in politics, the Colonel saw no great advantage in trying to disfranchise him by an educational test, for that would result only in increasing the Negro's incentive

"in the race to secure an education." While an education might help a few Negroes, "experience has demonstrated that when a negro can conjugate a Greek or Latin verb he retires from the farm." He believed that the Negroes should receive for their education only that proportional part of the taxes apportioned to the common schools, which they paid to the state. He was for economy in government and no new offices.³²

The Colonel was later to make a more formal announcement of his candidacy with the text of his platform. Colonel Estill, who was also to enter the race, commenting on the speech, said that it was not a great speech, but it "was a plain commonsense talk, replete with sound doctrines and dotted with anecdotes that were calculated to fix in the minds of those present the points the speaker made."³³ The *Atlanta Constitution*, which was later to have its candidate in the race in the person of its owner Clark Howell, said Smith had not preached doom and damnation, but had made a cheery speech. He had "pitched his campaign on higher lines than calamity and de-traction, enunciating instead some good old-fashioned principles of common-sense statesmanship, with plenty of the milk of human kindness in their expression. . . . Such a candidate as Colonel 'Jim' Smith is a decided contribution to the amenities of politics."³⁴

Colonel Jim's first big speech left him with the feeling that he should start out on a campaign of speaking all through northeast Georgia;³⁵ but speaking trips took him away from his plantation duties and he soon gave up the idea. Colonel Smith was no orator. There was "no whoop and yell" in his delivery,³⁶ but he spoke in "an easy and business like manner."³⁷ One who had heard him often remarked, "It would give some of the other candidates the jimjams to see how voters flock over to Col. Smith upon hearing him make one of his straight forward heart-to-heart talks to farmers and business men."³⁸ A Morgan County citizen after hearing Colonel Smith make a speech said, "He is quick and witty, and kept his crowd in a good humor during his entire speech. . . . He is no flowery speaker, but in raining down sledge hammer blows of solid facts we doubt if he has a peer in Georgia."³⁹ Colonel Smith never abused his opponents, and he could always handle the hecklers in the audience as well as the honest questioners.⁴⁰

Since this was a free-for-all campaign, soon there were six

contestants in the race: Hoke Smith, a prominent Atlanta lawyer and a former Secretary of the Interior; Clark Howell, editor and owner of the *Atlanta Constitution*; Richard B. Russell, of Jackson County, a prominent lawyer and later judge; Colonel John H. Estill, editor of the *Savannah Morning News*; Dr. G. A. Nunnally, a preacher, who soon withdrew; and Colonel James M. Smith. It was now time that Colonel Smith announce more formally his candidacy and produce his finished platform.

This article of faith and program was an elaboration of his Elberton speech. It was somewhat platitudinous, not very specific, not radical, demagogic, or rabble-rousing. "My first and highest ambition is to improve the condition of the farmers," he declared, without telling just how he would do it. He held that "professional politicians and chronic office seekers," had heretofore divided the ranks of the farmers and robbed them of any chances to secure friendly legislation. "To educate the negro higher than the level of his opportunities" did him more harm than good. The public school fund should be divided "so that the taxes paid by the whites may be used to educate their children, and only the taxes paid by the negroes shall be used to educate the negro children." That would be perfectly fair, he insisted. He wanted "a high standard of education to all white girls," as no civilization could rise higher than the virtue and intelligence of its women. School terms should be lengthened, teachers' salaries increased and paid promptly, and the common school fund should be "fairly divided between the towns and rural districts." All restrictions on Negroes voting should be kept, and any other added "that will make the white domination of the state more secure." The primary should be late in August, when the farmers would have leisure to go to the polls to vote. Colonel Smith was the candidate of no ring, combination, or clique; he neither connived with nor had any understanding with any candidate: "I am opposing all of them and 'toting my own skillet!'" He ended with this peroration: "Place the moral, intellectual and material interests of her people above the success of any candidate; defend her good name everywhere; forget her shortcomings, if she has any, and praise her virtues before all men."⁴¹

The *Atlanta Journal*, formerly owned by Hoke Smith, pub-

lished on its front page a picture of Colonel Smith and the text of his platform.⁴² Clark Howell's *Atlanta Constitution* published his platform and referred to him as "one of the largest and most successful and most widely known farmers in Georgia," and mentioned the fact that he had "aided hundreds of young men and young women to secure the advantages of an education."⁴³ The *Vienna News*, in Dooly County, far to the southward, spread the news, "Farmer Jim Smith has announced"; and the *Waycross Evening Herald*, in Ware County on the Florida line, judged the platform to be "well put together and . . . a decided vote catcher."⁴⁴

Commenting on Colonel Smith's plank on education, a citizen of a neighboring town asked, "Who has done more charitable deeds than Col. Smith? Who has schooled more girls and boys of Georgia than Col. Smith?"⁴⁵ Sam Small, a news commentator, said that he had been acquainted with Colonel Smith for thirty years and that the Colonel was "known from the Potomac to the Rio Grande as the model and most masterful farmer in the Southland."⁴⁶ Colonel Smith's old teacher, Dr. John Hamilton Brunner, who was president of Hiwassee College when Smith was a student there, was pleased to hear of his announcement, and asked, "Where, in all the land, can you find his equal?" and added, "In my wide pilgrimage, extending over eighty years, I have met no case comparable to his."⁴⁷ To add to the chorus of praise which was greeting Colonel Smith, John Temple Graves asked, "Where would you find a stronger and more representative figure than of old Colonel Jim Smith, of Oglethorpe?" and he continued, "A man who has elevated the great business of farming to the greatest success in the industrial history of the south; the representative agriculturalist of Georgia—even of this entire section; a man good enough to send to St. Louis to represent, in the Democratic Convention, the voice of the people in the selection of the president. What is the matter with him?"⁴⁸

Over in Athens, the editor of the *Banner* declared that the people were tired of electing "lawyers and politicians." They wanted a man who represented "the masses of the people," and who was "in close touch and thorough sympathy with them."⁴⁹ A Jackson County citizen reminded his hearers: "You men who pull a bell-cord over a mule's back from 10 to 12 hours a day in the hot broiling sun, remember James M.

Smith. He is in sympathy with you all the time, and not merely when he wants office."⁵⁰ And the editor of the newspaper in that county got down close to the earth when he discussed Farmer Jim: "He has smelled the freshly plowed soil, got beggar-lice and cucumber on his pants, has arisen with the lark and gone to bed with the evening stars. He has enjoyed the pleasures and suffered the hardships of a farmer. He knows the ups and downs of the man with a hoe."⁵¹

It must have begun to appear to Colonel Jim as it did to some of his supporters that, indeed, it was "a spontaneous uprising of the people."⁵² And probably it was for that reason that he built up no campaign machinery to function throughout the state, hoping that the other candidates would kill one another off. Even back in 1905, before he had made his Elberton speech, he had doubtless come to the conclusion that he would need no campaign manager with far-flung wires thrown out all over the state. It being rumored that Larry Gantt would be his campaign manager, Gantt replied: "If you could see the great piles of letters that Col. Smith receives by each mail from every section of the state, urging that he make the race for governor, and pledging their earnest support, you would decide that Col. Smith does not need any campaign manager, nor the backing of any political clique, ring or combination, for it seems that the great people of the Empire State of the South, have taken the management of Col. Smith's campaign into their own hands and will attend to that business without help or guidance."⁵³ Yet Gantt was one of the most active publicity agents of Colonel Smith's, frequently accompanying the Colonel on his speaking trips and writing up accounts of them. A Greene County newspaper editor remarked of Gantt: "He is doing some magnificent campaign work of Col. James M. Smith."⁵⁴ At this time Gantt was editing the *Southern Field*, in Athens, which was said to have 20,000 subscribers, and was filling its columns with praise of Colonel Smith.⁵⁵

Instead of having campaign headquarters in some city like Atlanta, Colonel Smith made his Smithonia home his headquarters, and for months he conducted a sort of front-porch-come-and-see-me campaign, sending out a four-page leaflet entitled *Hon. James M. Smith's Candidacy. Why He Should be Elected Governor of Georgia*. Also he distributed short mimeographed half-sheets, as this one in June:

"Recognizing your ability and influence and believing you are a friend to the farmer and the agricultural interest of the State, I write you and beg to say I will appreciate your vote and influence very highly and will hold the same in grateful remembrance.

"For some time I have been anxious to write you, but a press of business, till now, has prevented.

"I believe if you will read my platform carefully, you will endorse it. Enclosed I am sending you my platform and some other literature which please read carefully.

"I will feel under renewed obligations to you if you will write me a letter as to my prospects in your section."⁵⁶

The Colonel was merely a "babe in the woods," lost deep in the political forest, when compared to Hoke Smith with his magnificent campaign organization with tentacles reaching into every county in the state, and with the *Atlanta Journal*, formerly a newspaper, but at this time little more than a propaganda organ for Hoke Smith. And Clark Howell with his *Atlanta Constitution* was not far behind. The campaign organizations of Russell and Estill were distinctly second class; and Colonel Jim had none at all.

In carrying out his front-porch campaign, the Colonel was ready to welcome all who came to see and listen. The students in the University of Georgia, not far away in Athens, had organized a group to support him, and in April, according to the student paper *The Red and Black*, "The James M. Smith club went out to see the farmers [*sic*] candidate on Friday of last week and now are of the opinion that he will be elected Governor of the State."⁵⁷

It seems that early in the contest, Colonel Smith had thought of making a speaking and hand-shaking campaign which would have taken him all over the state, by fitting out a pullman car, living on it, and going wherever there was a railroad. According to the report that got out, "Col. Jim Smith will whirl around the circle in a handsome Pullman palace car. He will, no doubt [,] have lots of fun as he makes his whirl."⁵⁸ This method of campaigning would certainly have been out of keeping with a candidate who was supposed to exhale the aroma of freshly-plowed ground with beggar-lice on his pants. If the Colonel ever had such an idea he gave it up, for his enemies would have made much of it.

So, the Colonel continued to sit on his front porch in his rocker, directing activities on his plantation and receiving visitors. Even his most loyal supporters began to wonder whether swaying in a rocker would finally land a person in the governor's chair. In January, 1906, a newspaper editor observed, "Candidate Jim Smith is still holding his tongue, and also his cotton."⁵⁹ And two months later when still Colonel Smith had not taken to the road, the editor remarked, "It may be, however, that he is just resting up until the other fellows are out of wind, when he will start in fresh for a whirlwind finish."⁶⁰

Soon it began to be whispered around that the Colonel would drop out of the race, but a loyal supporter affirmed that he was in the race to the finish despite the fact that he was "not issuing a daily newspaper, silly cartoons and making two speeches a day."⁶¹ It was stated by an Athens newspaper editor that the Colonel would take to the road in April.⁶² But April came and went and the Colonel still sat in his rocker on his Smithonia front porch. Nothing had happened by the Ides of March or of April, but the Ides of May saw Colonel Jim at a great picnic political meeting at Paoli, in Madison County, where he received "quite an ovation."⁶³ It was Colonel Smith's custom to devote about the first half of a political speech to reminiscing of the old people in the community, many of whom had passed on, and also to telling something about his early life. He reminded his audience that he had threshed wheat throughout this section, that he knew the names of practically everybody in it, that he had given Preacher T. P. Cleveland 2,500 bushels of wheat to help in his church work. He completely captured his audience, many of them saying that they would vote for Farmer Jim if they had to walk a hundred miles.⁶⁴

However, not until the middle of June did Colonel Smith begin what might be called a speaking campaign, and throughout it he never ventured far outside of northeast Georgia. He began in Hart County, speaking at Hartwell, Lavonia, and Bowersville; speaking for two hours in Commerce, Jackson County; in Clarkesville, Habersham County; and at Burton and Clayton, in Rabun County; giving his own history for half of a long speech at Homer, in Banks County; passing on to such northeast Georgia towns as Blairsville, Young Harris, and Hiawasse, in Union and Towns counties.⁶⁵

In Toccoa, in Stephens County, his speech brought down upon him an unfavorable account from Hoke Smith's *Atlanta Journal* reporter. According to this account only about fifty people were present and thirty or forty of them were women and children. He "spoke along his usual line and elicited no enthusiasm." He said that traveling men (drummers) "were great liars and if 100 of them were to die it would not be as much loss to Georgia as the death of one old mule." A traveling man present remarked that the death of one hundred candidates like Jim Smith "would not be as great a loss as the death of a razor-back bull yearling." It was well known that Hoke Smith was closely allied with a traveling men's association, and that some traveling men were spreading a large amount of Hoke Smith propaganda. Colonel Jim in his speech was referring to those tale-bearing Hoke Smith agents who were passing the typical "traveling man's" stories which would not bear repeating in public—a sort of whispering campaign against Colonel Smith's moral character.⁶⁶ It was charged by the Hoke Smith supporters that Colonel Smith was "hoeing only eight rows," that is, campaigning in only eight counties to keep them from voting for Hoke Smith.⁶⁷ In reality the Colonel was hoeing twice that number, but not many more.

Before the end of June he brought his speaking campaign southward to Greene County, to talk to the crowd attending the big picnic and barbecue set for the opening of Watson Springs, a summer resort serving the surrounding counties. That night he spoke in Greensboro, having previously made a speech at Maxeys, in the lower part of Oglethorpe County. A Hoke Smithite charged that Jim Smith recently had bought an organ for the Ridge Grove Sunday School in his effort to win votes in that section.⁶⁸

This burst of speaking activity closed Farmer Jim's campaign for almost the whole month of July, when he was badly needed on his plantation; but by the middle of August he was on the hustings again, for the primary election would be held before the end of the month. In Jackson County, where he had previously spoken at Commerce, 1,400 Jim Smithites petitioned him to speak in Jefferson, the county seat. Since this speech would open the second part of his speaking campaign, it was made a gala occasion. Colonel Smith came to town on a spe-

cial train of six coaches filled with his supporters. A brass band made music, and Farmer Jim spoke for two hours.⁶⁹

Particularly close to Colonel Smith's heart was Clarke County, where he had had many friends and some enemies and where he had made considerable investments, especially in Athens. He was saving Athens for the last. He spoke on August 17 in a skating rink to a large audience, including more than a hundred ladies.⁷⁰ However successful Farmer Jim may have been in this town, speaking, probably, to a more sophisticated audience than in any of his other appearances, a strong member of the Hoke Smith faction in a private letter declared that the speech had been a total failure. Jim was "heralded by a great blare of trumpets. He was introduced by Judge Erwin in a most laudatory speech. Jim cannot speak at all; he has no voice and no delivery. I did not go, but I am informed by dozens of people who were there that his delivery was most horrible; [as one] expressed it, he would shout out a word and mumble eight or ten words, and shout out again." The audience soon began to melt away, and "there was only about seventy-five or a hundred left, and Jim quit speaking because the audience had left him."⁷¹ This same commentator declared, "Jim Smith with his barrels of money and his ocean of liquors dispensed by an unscrupulous crew, also backed (more or less earnestly) by the leading moneyed men and financial influence, mill owners, etc." was making a big effort to carry Clarke County.⁷²

Of the five candidates in the race Hoke Smith was on the offensive against all the others, but when the campaign neared its end he began to give more attention to Colonel Jim, as he had fears that the Colonel might take away from him some strategic counties in the northeastern part of the state. The issues that came to stand out most prominently in the campaign were curbing the railroads and disfranchising the Negroes. There was no clash between Hoke and Jim on the railroad issue—that was the issue Hoke was playing against Clark Howell, whom Hoke considered the enemy he had to beat. And so the Negro question came to be the main bone of contention between the two Smiths.

Hoke Smith had not considered Negro disfranchisement important for Georgia (since Negroes were practically dis-

franchised already), until that was the price he was forced to pay to enlist the support of Tom Watson and his Populists. Colonel Smith had stated in his Elberton speech and in his formal platform his solution of the Negro question: a division of the common school fund in proportion to the taxes each race paid. Colonel Smith argued that Negroes were segregated from the whites by laws prohibiting intermarriage, Negro militia, and attendance in the same schools. Why not divide the tax money on the same principle he argued. "It is a fact that we cannot put the question of race out of view for a moment without first putting the race itself out of Georgia."⁷³ Division of tax money was not a new principle. It had been discussed frequently since 1900 in the Georgia legislature and in other Southern states.⁷⁴ In arguing for Colonel Smith's election, a supporter said, "You pay high taxes, and are then robbed of a part of that tax money to educate negroes. Think of it! negroes playing baseball, attending picnics, riding on excursion trains, and you and your wife and children at work in the field. We have been taxed 40 years to educate the negro and he is no better today than he was then, but worse."⁷⁵ President Brunner, Smith's old teacher at Hiawassee College, said, "Forty long years the white people have been taxing themselves to educate a race incapable of gratitude—a race solidly averse to their benefactors."⁷⁶

Colonel Smith had long held that the presence of the Negroes was a grave problem for the South. They were increasing faster than the white people and would if not curbed get control of the government eventually. It would be impossible to expel them from the country, and if possible it would not be wise, for they were the South's chief labor supply. As far back as 1890 he had said, "I have studied the nigger like I would a book, and can read him as plainly. Give one an inch and he'll take an ell. . . . I tell you this negro question is a serious matter, and the more I think of it the more I am perplexed." Education brought out the worst in the race. "Let a negro stumble through his spelling book, and in his imagination he is a statesman and a leader. He invests his first earnings in a blue cotton umbrella, a long linen duster and a hymn book, and starts out preaching. The next thing you hear of him he has got into some devilment and is sent to a convict camp to complete his training."⁷⁷

If there was an answer to the question, Colonel Smith felt that it was keeping the Negroes in semi-illiteracy; and that was what his plan of dividing the common school fund would do. Hoke Smith's scheme of disfranchising the Negroes through an educational test and still allowing the Negroes a disproportional share of the school fund would be working at cross purposes, Colonel Smith argued, for it would result in educating the Negroes so they could meet the test.⁷⁸ It was also widely argued that Hoke Smith's plan would disfranchise many illiterate white people. As a further aid in solving the Negro question, Colonel Smith favored a law fixing the payment of the poll tax, which was a requirement for voting, at least six months before the election.⁷⁹

If there had been any demagoguery in Colonel Smith's nature it would have come out on the Negro question. Instead, he sought the least excitable method of dealing with the subject, and this fact was recognized at the time. As the *Augusta Tribune* said, "He does not tear his hair and howl about the danger of negro disfranchisement law with fraud and deep laid schemes written across its face, but he proposes a practical and eminently wise and just plan for effacing all undesirable and dangerous voters, which would in effect disfranchise nine-tenths of the negroes without any negro disfranchisement law."⁸⁰

Unfortunately for Colonel Smith and for the reputation of the state the campaign was not to end on an issue as explosive as the Negro question could have become; it was to sink to much lower depths—personal abuse and slander.

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• SOUND AND FURY:
Chapter X • JIM, HOKE, AND CLARK,
• TOM, DICK AND JOHN
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THE main issues in the campaign for the nomination of governor in 1906 as developed by one or another of the five contestants, were railroad regulation, prohibition, Negro disfranchisement, and convict leasing. Hoke Smith, who had announced in June, 1905, coasted along for the next six months, building himself up throughout the state without sniping at any other candidate; but soon after Clark Howell announced in the following November, it became evident to Hoke that the enemy he must beat was Howell. Therefore Jim and Dick Russell and John H. Estill came in for little attention.

Clark, backed by his own newspaper the *Atlanta Constitution*, and Hoke by the *Atlanta Journal*, which he formerly owned, fought a campaign against each other, in which they forgot the announced issues and made each other the predominant target; and the two newspapers became little more than propaganda sheets, the *Journal* especially so. A citizen of the "Jimsmithdom" part of Georgia described the fight by saying, "They have long been political enemies and have carried on a campaign of personal abuse, vituperation and slander, one to the other, until they have convinced people that neither are fit to fill the office of governor."¹

A South Georgia newspaper editor said that if all Howell and Hoke Smith said about each other was true, then neither should "be allowed at large within the limits of the state, much less be its governor," and that each was "a most unscrupulous liar." The farmers and the general masses, he said, had been deprived of their rights in government by "political slickers" and "designing political knaves," using money "fur-

nished by unscrupulous corporations." They were aided and abetted by "lying newspapers and polluted demagogues" and "hired henchmen and dirty little crossroads politicians." This editor was for James M. Smith, who would make a governor of all the people.²

A North Georgia newspaper editor declared that the set-to of the "two Atlanta ringsters, . . . may be a Kilkinney cat scrimmage for all we care," but they had better leave alone "our old friend Col. Jim Smith."³ But that was just the thing that was not to be. Colonel Jim's campaign instead of being a sort of summer's dream was to become something more like a hideous nightmare. The opposition was to range from mild ridicule to downright slander.

First, the "newspaper boys" must have their fun. The *Sparta Ishmaelite* remarked that Farmer Jim "only thinks he is in the race," and in fact he "may be sowing his 'Wild Oats.' "⁴ A Middle Georgia editor noticed that there were two Smiths in the race: "One is Hoke Smith and the other is J. or Joke Smith."⁵ Colonel Jim being in the race reminded another "very much of the man who is left holding the 'bag' on a snipe hunt."⁶ W. B. Townsend, the eccentric editor of the *Dahlon-ega Nugget*, up in the gold-mining region of Lumpkin County, said "If there is a man in the county for him we don't know it."⁷ The evangelist Sam Jones remarked that Jim was running only for fun.⁸ And another Georgian remarked, "Why, Colonel, the people of Georgia rightly regard your candidacy as a huge designing joke, perpetrated on your vain credulity by Larry Gantt."⁹

From good-natured raillery the opposition descended into personalities. Referring by innuendo to Colonel Smith's eye trouble which got him out of the Confederate army and also to the robbing of the Confederate gold wagons in Wilkes County at the end of the war, the *Sparta Ishmaelite*, which was a strong Hoke Smith paper, said that according to the story, Farmer Jim "was blind during the war and the first time his eyes were open he saw the government wagons laden with gold, whereupon his eyes shone and he—well, you know what he did with the gold."¹⁰

About Colonel Jim's bachelorhood there was some raillery, which, in fact, he had anticipated in his Elberton speech when he called the roll of some of the bachelors who had

been presidents of the United States and governor of Georgia, and had promised to see about changing his status if elected. A South Georgia newspaper editor advised Farmer Jim to "get married and then run for governor";¹¹ a Middle Georgia editor (in a county where Jim was destined to get only one vote) asked this question: "If the people of Georgia should so forget themselves as to place Jim Smith in the Governor's chair, who will fill the place of mistress at the Peachtree mansion?"¹² And Sid Lewis of the *Sparta Ishmaelite*, a little more sarcastic, pronounced this judgment: "Jim Smith's statement that, if elected governor, he may sacrifice some helpless woman on the altar of success, would seem to be conclusive against him."¹³ And all of this led Editor W. A. Shackelford of the *Oglethorpe Echo* to pointedly ask, "Does the fact that the other candidates are married make them any more eligible for the office than if they were not married? . . . All this tommyrot about Jim Smith being a bachelor has grown nauseating. . . . Why not a bachelor Governor? Why not a man with no strings tied to him?"¹⁴

The esteem in which Colonel Smith was held in Oglethorpe County was made by his enemies to appear to be based on a tyranny sufficiently severe as to make him a little czar. In fact he could send one of his convicts to the legislature if he wished to do so. He was "supreme dictator of the politics of the county, and no man would dare offer for an office with any hope or chance of success without first obtaining 'Marse Jim's' consent,"¹⁵ and according to the opinion of another, "it had gotten to the point where men of political ambition who were not willing to wear the Jim Smith collar staid out of politics entirely."¹⁶

Harking back a quarter century, a Mr. I. C. VanDuser assailed Colonel Smith's record in the legislature and sought to show that he had had nothing to do with securing the passing of the two laws which his supporters had long given him credit for, the one securing a reduction of the inspection fee on fertilizers and the other lowering the interest rate. The former was enacted when Smith was no longer in the legislature, and the latter was passed with Smith not voting. Sam Small, who was at that time an *Atlanta Constitution* reporter, came to the defense of Colonel Smith and showed that he had made several strong speeches in favor of reducing interest rates, and if he was not present when the vote was taken it was because

he was kept away by other legislative duties; and it was known that there would be a large majority for the bill and hence, Smith's vote would not be needed. Small remembered that there "was no busier man in either branch of that session than Colonel Smith. I have sat up with him far into the hours of morning scanning testimony and framing reports. . . . Surely if ever the farmers of Georgia have had a faithful, indefatigable friend in the general assembly, that man was Colonel James M. Smith, of Oglethorpe County." As for the fertilizer bill, Colonel Jim had advocated it while in the legislature and had used his influence to get it passed, when he was no longer a member.¹⁷

The fact that Colonel Smith was a lessee of convicts laid him open to condemnation even outside the heat of political battle, but now with his political enemies using every opportunity to discredit him he was put on the defensive. Parson G. A. Nunnally in withdrawing from the race charged Colonel Smith with having made millions of dollars out of convict labor: "Surely Colonel Smith ought to be satisfied with the honors and emoluments of his dealings with the state, and he ought to give the state a clear receipt and retire to the shades of Smithonia and rest in ease and comfort the balance of his days."¹⁸

The *Sparta Ishmaelite* seized the convict issue and declared, "If Georgia were one vast convict camp, then Jim Smith with the great experience with shackles and whips would stand some showing in a race for chief boss. But as Georgia is somewhat better than that Jim isn't in the race, even a little bit."¹⁹ In the same tenor the editor suggested that if Hoke Smith would put stripes and shackles on Albert Howell, who was Clark Howell's campaign manager, "maybe Farmer Jim will lease him at \$11 per year."²⁰

Since Hoke Smith had partly sold his soul to the devil, deserting his better self for the worse when he secured the support of Tom Watson and his Populists, it was only natural then that he would have to take advice from Tom. And Tom's advice was to play up the convict lease which Colonel Smith had bought and still owned. Soon Hoke's organ, the *Atlanta Journal*, was using the slogan, "James M. Smith, the Convict King, who made his piles of wealth off convict labor."²¹ And Tom himself set the pace by saying that one of Jim's

convicts had been whipped to death in his Johnson County camp, that Jim had been prosecuted and acquitted for cruelty to his convicts, by Governor McDaniel, but that Governor Gordon had taken up the case and had fined Jim \$2,500, and that Hoke Smith was the one who prosecuted Jim. Watson said that because he had reminded the people of these atrocities, Jim was now waging a campaign to carry McDuffie County and inflict "a public humiliation upon one of their own citizens," who expected it to be in the Hoke Smith column—all because Tom and Hoke had helped to rescue Georgia "from just such greedy, unscrupulous and criminal bosses as Colonel Jim and his man, Hamp McWhorter." Tom charged that Colonel Jim had pledged himself to spend a thousand dollars to carry McDuffie County, more to humiliate Tom than anything else. Tom said that Colonel Jim had bought the convicts from the state for \$11.00 apiece a year when they were worth \$160, and thus "he and his confederates in fraud had robbed the little boys and girls of Georgia of three million dollars per year." (The profits from the state's leasing of convicts went into the common school fund.) Pursuing Colonel Jim with great malignancy, Tom asserted further that "he assaulted and drove away from his camp with curses and blows" a committee of the grand jury sent to inspect his camp, and that he was indicted "for assault with intent to murder," but that with his money and astute lawyers, "he managed finally to wiggle out of the scrape."²²

Following Tom's lead, Hoke took up these charges and spread them over the state as he campaigned from one county to another, asserting in a speech in Jim's home county of Wilkes that he had prosecuted Jim, got him convicted, and that Governor Gordon had pardoned him.²³ And the ever-faithful traveling man embellished the story and passed it on to the out-of-the-way crossroads country stores.²⁴

Colonel Smith was almost dumfounded by these charges; he could not believe that Hoke Smith had made them, and until he learned the truth he would not go into the history of the matter. But in a letter to Hoke, asking whether he had actually made the charges, Colonel Jim said, "You know that you never prosecuted me before Governor Gordon; that I was never convicted by him, and never pardoned by him." He said that he had been urged to go into Hoke's career "Professional

and otherwise," but he would not do so. He thought any man would make a poor governor "who can descend to false and slanderous accusations against even the humblest citizen of the state."²⁵

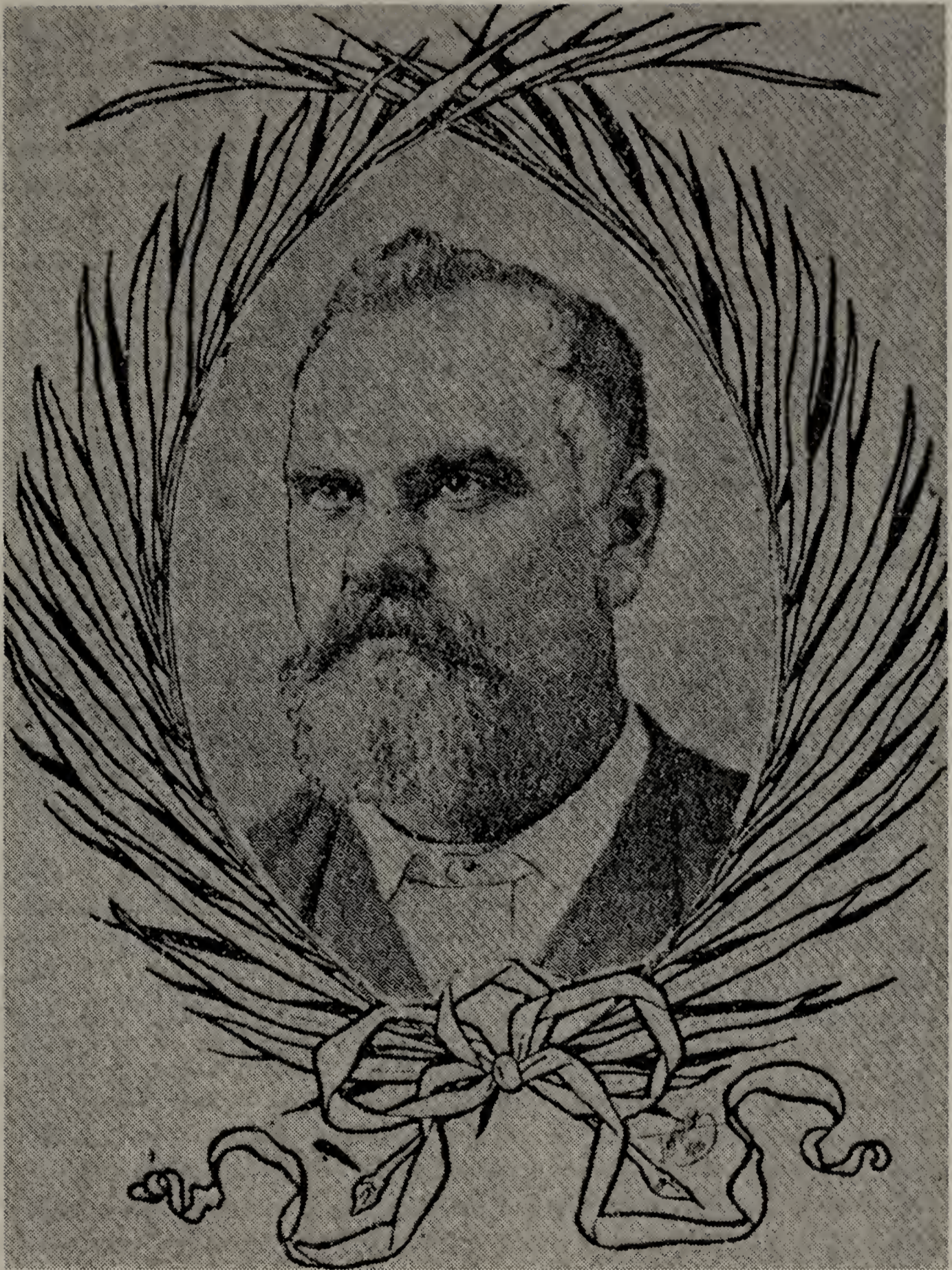
Addressing himself further to these charges by Tom and Hoke, Jim declared that "Hon. Hoke never had an opportunity to prosecute me; Governor Gordon never had an opportunity to pardon me. Hon. Hoke knows all this as well as I do," and he asked the question, "What ought to be said of a man running for Governor of a grand State like Georgia who is convicted by the records of his own State of deliberately, wilfully, knowingly and maliciously telling an absolute and unmitigated falsehood on an opponent?" He recalled the fact that he personally was not prosecuted nor were any of his own camps involved in the prosecution of either Penitentiary Company Two or Three, though he had stock in the latter company. He added, "I never managed the convict personally. The camps, physicians and guards were selected or appointed by the penitentiary official. Often the convicts were [a] hundred miles from me."²⁶

The editor of the *Atlanta Journal* came back with his answer, headed "The Convict King in Eruption": "And now Jim Smith has become a very Mount Vesuvius, with more heat than light, spouting ashes and lava." The editor repeated Dr. Westmoreland's charges that Jim inhumanly treated his convicts, "lashed to their toil and chained to their bunks at night, given insufficient food and denied proper medicine when sick, worked on Sunday." Governor Gordon did impose the fines on the two companies, and "Convict Camp No. 3 was that of James M. Smith, and Hoke Smith was one of the prosecuting attorneys." By a clever use of "Convict Camp No. 3" for "Penitentiary Company Number 3" the editor made it appear that it was Jim's camp that was fined, instead of the company which Jim partly owned but in which none of Jim's camps were involved. The editor then repeated Tom Watson's old charge: "And it is on the strength of his making a million dollars by such a bargain with the State and such treatment of the convicts, that 'Farmer Jim' is posing as the farmer's candidate."²⁷ There was almost a panicky feeling in the Hoke Smith camp that the Tom Watson Populists, the great majority of whom were farmers, might be weaned away by Farmer Jim.

During the last two months of the campaign (July and August) Hoke gave more and more attention to Jim—with five candidates in the race Jim might secure enough counties to prevent anyone from receiving a majority of the county unit votes—since the person getting either a majority or plurality of the votes in a county was awarded the county. Hoke was not afraid Jim would be elected but he feared that Jim might prevent him from gaining the victory.

Hoke, the *Atlanta Journal*, and his advisors attacked Jim, "The lessee of Georgia convicts and candidate for governor," for being delinquent in his taxes and not paying the proper amount. They charged that he was late in giving in his railroads for taxes and when forced to do so he rated them at only \$1,170 per mile; that for many years he had been giving in his property "at a very low valuation," land worth \$25 to \$50 an acre, at \$3 and \$4, and in one or two years "it is well known that he had on deposit alone in one of the banks here [Athens] from fifty thousand to one hundred thousand dollars in cash." An Athens supporter wanted Hoke's Atlanta headquarters to get the exact facts and he would publish them in the newspapers "with proper comment and brim stone trimmings."²⁸ Also, it was charged that Colonel Smith and Judge Hamilton (Hamp) McWhorter, who were presidents of the Smithonia and Dunlap Railroad and the Lexington Terminal Railroad respectively, defrauded the United States Post Office Department in securing favorable mail contracts over their lines. It was charged they did this when a testing period was being used to determine the amount of mail that was handled, by buying up "a lot of old congressional or patent office reports, and fraudulently shipping them back and forward to each other for a month or two for the purpose of deceiving and defrauding the Government." It was charged that they went to Washington and got the matter straightened out "by paying up [a] considerable amount of money." This was apparently a tall tale floating around, too tall for Hoke to accept, since he never gave it currency.²⁹

To make sure that Jim's money could be used to his discredit, Hoke in his speech in Washington, Wilkes County, read an affidavit purporting to show that Jim was trying to buy the election. A Mr. M. H. Wright of Lincoln County asserted that a Mr. John B. Cullars told him that Colonel Smith



CAMPAIGN PICTURE OF COLONEL SMITH
From *Oglethorpe Echo*, December 13, 1901



THEY CAN'T "RAISE" HIM OUT

From the *Atlanta Journal*, July 29, 1906

would pay \$5 a day for political workers in that county and offered Wright the job and said that he knew one man who was receiving \$10 a day. Cullars swore that Wright's affidavit was "a wilful lie." In another speech, Hoke read the affidavit again and added two from Morgan County in which it was affirmed that "Bynum Smith, who has been traveling over the country for the past month in the interest of Jim Smith was being paid for the work he was doing."³⁰

In the light of all these disclosures of Jim Smith's "shady practices," the *Atlanta Journal* asked, "Why should the people of Georgia elect him?"³¹ The paper, of course, informed its readers not much about state and national news, but a great deal about Hoke Smith sweeping everything before him, winning over immense throngs who came out to hear him; how he made the greatest speech in Washington, Wilkes County, since the days of Robert Toombs and how the next morning when the janitor cleaned up the courtroom he found cuspidors filled with Jim Smith campaign buttons, thrown away by the cheering audience. It was even a better story when Hoke spoke at Carlton, in Madison County, for there the audience after pulling off their Jim Smith buttons spit on them before casting them into the cuspidors.³²

There were very grave fears in Hoke Smith's headquarters that he might lose Clarke County to Jim, and there were considerable fears at local headquarters that this might be so. It was stated that here many of Jim Smith's supporters were people "under pecuniary obligations to him." The *Athens Banner* was supporting Jim, but another newspaper, the *Clarke County Courier*, might be influenced, not by bribery, but by buying a number of subscriptions to the paper. Hoke should make a principal speech in Athens; he should go slow on Dick Russell, but "thump" Jim pretty "strongly." A Hoke Smith supporter in the Princeton Factory Precinct, where Dick was strong, thought it would be well "to send beer and booze" there; but a more upright Hoke Smithite wrote to the headquarters in Atlanta, "He is eminently correct when he sizes up that precinct; nothing will carry them except B and B, and even that doesn't do so frequently, for the reason that they will goggle the B and B that they get, and promise to support the donor, and then go and vote against him." He added, "We are furnishing no B and B in this county," and he was so

informing the *Princetonian* and hoped to "get him on the high moral platform."³³

In August, Hoke made his great speech in Athens, which was probably not as successful as his supporters had expected; for the report was immediately spread of a low underhand trick the Jim Smithites had played. To keep the mill workers and the laboring class in general from hearing Hoke, they had "thrown a beer party" out at the old Fair Ground, near the mill section, and had on hand two kegs of beer and plenty of ice and pickles. It was estimated that at least sixty or seventy voters were kept from hearing Hoke. The Jim Smith manager who gave the party had been begging that his name not be made public, but one of the chief Hoke Smith supporters said, "We have them scared, and the leader has been down begging like a dog not to publish his name in connection with it, and admitted that the beer drinking was given for the purpose stated—think of such means and methods being used in a christian country."³⁴

It was difficult for Hoke Smith to pin a pro-Negro label on Jim, in the light of Jim's comments on the Negro problem and on his advocacy of a division of the school fund; but it was argued with some success and truth that Jim was opposed to the white primary, for he had been voting Negroes in Oglethorpe County.³⁵ Jim's defense was that if he had not voted them the Populists would have done so. In a search of Jim's past, it was turned up that he had almost a quarter century previously signed the bond of a Negro who had been appointed postmaster at Athens. Here was the golden nugget the Hoke Smithites had been looking for. The Negro was Madison (called Mat) Davis, so nearly white that in Washington, D.C., once when he informed a prominent hotel that he was really a colored man he was refused a room and when he sought a room at a Negro hotel he was denied one on the grounds that he was a white man. He had been a slave of a prominent Athens family and was "a type of the best class of his race." During Radical Reconstruction in Georgia he was elected to the legislature and was left a member of that body when the other Negro members had been expelled. In 1883, President Arthur appointed him to the postmastership, and Davis got prominent Athenians to sign his necessary bond; but when one bondsman later withdrew

it was necessary for a new assignment of the bond. Then it was that Colonel Smith came to the rescue, when Davis promised to appoint "nobody but good white Democrats to run the office." At that time there was an attack on Colonel Smith, charging that he was currying the Negro vote—"that he might sharpen his political axe on some negro grind stone."

At that time Colonel Smith vigorously defended his action, arguing that if Mat Davis had not been able to assume the postmastership there were two other Negroes, of much less respectability than Mat, who stood in line for the appointment. Furthermore the other bondsmen were Athenians of irreproachable character and of unterrified Democracy, one of them being former United States Senator Pope Barrow. Colonel Smith seemed to have won the day then, and now in 1906 by recalling these facts he was equally victorious. Answering these musty old charges and others, Colonel Smith said: Knowing that his platform was "unassailable, unanswerable and irrefutable, and knowing further that I am more closely allied and identified with the great mass of the people in their various pursuits and avocations than any other candidate in the race, some of my opponents resort to the low and groveling methods of a blackguard and attack my personal character and private life and parade before the public a flood of falsehoods, misrepresenting facts and impugning motives."³⁶

As this little section of northeast Georgia composed of Clarke, Jackson, and Oconee counties was admittedly Jim Smith-Dick Russell domain, the Hoke Smithites were in a quandary as to how to get control of it. Hence, the beer party and Mat Davis charges; but these might not be enough. So an affidavit was got up to prove that there was an unholy alliance between Jim and Dick, whereby each should not kill off the other, but that Jim would call off his workers in Jackson County (the home of Dick) and Dick would call off his workers in Clarke and Oconee counties. This unconscionable trade should be publicized all over the state, to show the character of these two candidates; but Jim was the one to be most berated. This charge against Colonel Smith and all his other bad performances showed "what the people of the State might expect with Jim in the governor's chair, and his friend, Hamp, backing him for the position, and being, if he was elected, the power behind the throne."³⁷

Charges and issues so far had not departed from ordinary campaign procedure, but with Tom Watson calling some of the plays for Hoke, Jim was not to be let off so lightly. Back in the fall of 1905, before the campaign had become heated at all, a Dr. R. A. Hutcheson, of Toccoa, somewhat bedridden, had spent some of his leisure in writing a clever and pungent letter to the *Atlanta News*, giving an estimate of the various candidates. Far down about the middle of his long letter he had inconspicuously said that "Colonel 'Big Jim' Smith . . . has a load to carry with the *Sparta Ishmaelite* jumping on him about Lucindy. So Colonel, the women of Georgia are after you, and I am afraid you cannot make it." And then he added a little doggerel:

For Hoke, he can't make it,
And Big Jim can't take it;
Because Lucindy is no lie.³⁸

Lucindy, a Negro, had been a cook in Colonel Smith's home, and Sid Lewis, the editor of the *Sparta* newspaper, denied emphatically that he had started or published any rumors about Jim and "Cindy." He had slandered nobody and anyone so charging should cite "the date and language of the publication."³⁹

These insinuations cut Colonel Smith to the quick. Hardly able to control his feelings of outrage at Dr. Hutcheson's letter as well as at others who were carrying on a whispering campaign, he declared that he had found all such persons on investigation to be "irresponsible, disreputable, notorious blackguards and known to be common liars, who had no personal knowledge whatever of the facts." Hutcheson was not acquainted with the man he had injured, and perhaps he had "no conception of the enormity of the crime he commits in slandering his fellowman." The Colonel said that all people who had known him throughout his life in the legislature and in his own county of Oglethorpe would certify to his irreproachable private life. The many visitors in his home, hundreds of schoolgirls from all sections of Georgia, many students from the University of Georgia, and numerous ladies from the surrounding counties—all would testify as to his good character. Concluding his long letter he said, "Allow me to say I made up my mind early in life to steer clear of immorality

and dissipation, stick close to business and make a success of life and leave a name behind me, when I am dead, which will be an honor to my race, my country and my ancestors. I leave to those who know me best to say how near I have come to my ideals." And then he quoted Shakespeare's famous lines saying that stealing a purse is stealing trash,

But he that filches from me my good name,
Robs me of that which not enriches him,
And makes me poor indeed.⁴⁰

The *Atlanta News* made a quick and complete apology for having published the Hutcheson letter, indicating quite truly that what the author said about Colonel Smith was buried deep in the letter, and its import had not been grasped. John Temple Graves, the editor, said, "We have written many paragraphs in this paper paying tribute to the material genius and energy of Col. Smith. We have never written, and we feel sure that we shall never have cause to write, any line that will derogate his character."⁴¹ Commenting further, he said that Colonel Smith's letter was "strong enough in itself, in its explicit and emphatic declaration, to convince the most skeptical of the sincerity of the distinguished gentleman who wrote it.

"Character is indeed too great and too priceless a thing to be sworn away by unsupported innuendo, and unless some man has more than rumor upon which to base charges which affect the moral status of a prominent Georgian, he should keep silent to the end of time.

"There is too much of slander and defamation in the air of the times, and public opinion should rise to rebuke it."⁴²

High and low arose to the defense of Colonel Smith. His long-time friend and advisor, Judge Alexander S. Erwin, said that he had known Colonel Smith for forty years and had been in his home during that period two or three times annually and sometimes oftener, and "I have had every opportunity to become acquainted to the fullest extent with his home life, and I state most positively that I have never seen anything to excite the slightest suspicion or even to suggest the existence of immorality in any form in his household. I have seen no conduct and no circumstances that would be unbecoming or out of place in the purest home in the state of Georgia."⁴³

Another prominent Athenian, A. H. Hodgson, said that

for thirty-five years he had known Colonel Smith and for a quarter century he had "seen him and known him well under all conditions and circumstances." Most of his visits had been "dropping in unawares to him and I have never in my life seen or suspected anything that would give rise to any such outrageous rumors. . . . I will venture to say that I can go into his immediate neighborhood and give you a thousand endorsements of the best citizens of the country, not only to his home life, but for the good he has done for the poor and working people in his section." He pronounced Dr. Hutcheson "afflicted both in mind and body." And an outstanding citizen of the county in which Colonel Smith was born, Colonel Frank H. Colley of Washington, Wilkes County, said, "I have never known a man more to be relied on as to his ability and safe prudent counsel, and above all, his purity of private life is above reproach."⁴⁴

The editor of the *Atlanta Constitution* said that he had known Colonel Smith for the past twenty years and had always held him up as an inspiration to the youth of the land, and he took "this opportunity to again pay tribute to the high character of Colonel Smith. . . . The tongue of slander cannot do him harm, for the people know him too well."⁴⁵ The *Savannah Press* said that "we do protest against this kind of criticism or against the repetition of a slander which has gone far enough," and the *Macon News* declared that Colonel Smith would make "an able, upright, patriotic and progressive executive."⁴⁶ The *Atlanta News* said that Colonel Smith represented "the highest character and achievement in a great profession, and slander would only strengthen him."⁴⁷

Colonel Smith was much pleased with the reaction of the state press to his and Judge Erwin's letters. In writing to the Judge he said, "I have seen editorials in the Constitution, in the Evening News, Atlanta, the Savannah Morning News, Augusta Chronicle, Rome Tribune, Macon News and some other papers, all speaking in highest terms of your letter and mine. I have also received a great many letters from the best people in Georgia indorsing my letter and yours."⁴⁸

Sam P. Jones, who had lightly said that he thought Jim was just running for fun, saw no fun in slander and quickly said for publication, "I have talked lately with neighbors of Colonel Smith, and they spoke in high terms of him, especially

touching his moral life.”⁴⁹ Another preacher, Phil W. Davis, judge of the Lexington City Court, said that he had known the Colonel for thirty years, had visited in his home frequently, and had lived in his home for more than a year. “I do not hesitate to say,” he continued, “that during all my acquaintance with him I have never seen, heard or suspected anything of him in his own house, or elsewhere, dissipation, or any conduct unbecoming a virtuous man.” He was “a sober moral man” and tried to instill those qualities into his workmen. He had spent a little fortune in helping churches and schools and nobody in Georgia had “dispensed as much general hospitality to the rich and the poor alike.”⁵⁰ An old lady in the vicinity said she had known Colonel Smith for thirty years, and she had often heard him give lectures to young men on the subject of immorality,⁵¹ and an old Negro workman on Smith’s plantation, who had been there for nearly a quarter of a century, who went there without a morsel, and who had raised twelve children (all there and working for Colonel Smith), said (with no promptings or previous knowledge from anyone), “I don’t really believe that a more moral man has been born than Col. Smith. I never have known him but what he showed me a Christian and moral hearted gentleman. I say if the people of Georgia turn against such a man as this they don’t want any governor.”⁵²

As for Cindy or Lucindy she was twenty years older than Colonel Smith and “very black and unprepossessing in personal appearance, . . . an old-time African, and a good and faithful servant.” She was the Colonel’s cook for ten or twelve years until by old age and affliction she was unable to work longer. Colonel Smith then had her cared for until her death some years ago. “There is absolutely nothing in this Cindy story in the least detrimental to Colonel Smith in any way,” said one who had long been acquainted with Colonel Smith. “On the contrary his kind treatment of her, for the reason of her faithfulness as a servant, stands to his credit.”⁵³

This abundant defense and vindication that had reverberated throughout the state in the latter part of 1905 had died down and been forgotten until in the heat of the July-August end-up of the campaign in 1906. Then Tom Watson’s long memory and political ethics recalled the slander in his desperate efforts to save McDuffie County from Colonel

Smith. Watson made two speeches trying to arouse his "home-folks" against the perils of Jim. In Thomson he repeated his old convict charges and said that Jim was trying to "humiliate me and break me down," but he had "cut out a big contract." Then came his slanderous insinuations, saying that people should find a "better person to vote for than that man whose supporters in his own county are universally pointed out and alluded to as 'Lucindies'."⁵⁴

In another speech, at Neal's Mill, he became bolder in his verbal assault on Smith personally, and alluding to his eye trouble, ridiculed the Civil War service of this "C-o-l-o-n-e-l Smith, blue goggled colonel, this sore eyed soldier, who got well when Lee surrendered." Addressing supposedly real Confederate veterans, he added, "While you were listening to the whiz of bullets he had sore eyes. I've had 'em myself but not for four years at a time." Then Tom dipped to the bottom of campaign slander: He would not vote for a man "who had supporters in his own county called Lucindy. . . . In all these photographs of Jim there is not a white woman's face. I won't say anything else. Ladies are present. Nothing else is necessary. . . . I appeal to every white girl and woman to arise in your virtuous indignation and see that your father, brother, husband or sweetheart stands true to white womanhood. Let us say to these two men named Smith, we will support that one who has a white wife and white children in the campaign that is now raging."⁵⁵

Colonel Smith dignified Watson's renewed convict charges by answering them again, saying that it pained him to have to bring into the open once more Dr. Westmoreland, who was a "high-toned and honorable gentleman" when he was himself, but the doctor had become mentally unbalanced and had to be sent to the Milledgeville Hospital. As for the Lucindy slander, it had "long since proved to be malicious and false. Mr. Watson does not believe one word of it himself. Let him investigate it. Then he will become convinced of how mean, low and groveling such insinuations are against me." He suggested that Watson was not running for governor and it was not supposed that he carried McDuffie County around in his vest pocket.⁵⁶

Nauseating as it had to be, to thresh out these charges again there was another round of defense of Jim and righteous

anger at Tom. When Tom first made his charges and the defense became so strong, he had said that he had merely alluded to the fact that Jim's supporters in Oglethorpe County were called "Lucindies." In answer to this dodge, old Editor Shackelford of the *Oglethorpe Echo* remarked: "What an imaginary lie! As a dodger Tom certainly stands way above the head of the class."⁵⁷ But the Neal's Mill speech, in which Tom was more direct, provoked the *Macon Telegraph* to say that Watson had thrust "his slanderous dagger into the reputation of one of Georgia's best loved citizens, . . . a man of integrity . . . and beloved by his home people and all who know him well."⁵⁸ And the *Madison Advertiser* declared that there had "been more deep, damning and diabolical lies told on Col. Jas. M. Smith, in this campaign, than on all the other candidates combined."⁵⁹ R. H. Lewis, Solicitor General of the judicial circuit including Oglethorpe County, and a strong supporter of Hoke Smith, said he could not remain silent in the face of Watson's charges. In a letter to Colonel Smith he said, "I have a contempt for any man who would stoop so low as to attack your private character, or attempt to do so. . . . I know you to be an upright, honest, honorable, moral man, and wish to say it now when it cannot be misconstrued."⁶⁰

It was well for Georgia that the campaign was coming to an end, for it had outraged the feelings of the better elements in the camps of every one of the candidates. The *Atlanta Georgian* observed that a year previously all five candidates stood without a blemish, but now how they had changed! "In the civilization which our fathers builded the field of honor would have run crimson with the response to one-half the mortal insults that have passed between Georgians who are neither cowards nor knaves. . . . Better the code duello than the age of billingsgate! If half the charges bandied around were true, then not one of the candidates would be fit for private association, much less for public trust."⁶¹

The *Atlanta News* prided itself in having kept out of the campaign and having devoted its columns to legitimate news. The campaign had been "a scandal in the political history of Georgia." It had been "a campaign of tirade and abuse, . . . contest of mud and muck, . . . a battle of slime and slander, . . . a struggle of dirt and dust, . . . [and the] character of

the candidates without exception has been besmirched and blackened."⁶²

As for Colonel Smith himself, he had "been abused and his personal character impugned," but he had "responded gamely and powerfully to every assault," and he would doubtless emerge "more respected and more influential than he ever was before."⁶³ The editor of the *Danielsville Monitor*, over in Madison County, sized up the contest "as the most filthy, mud-slinging campaign we have ever seen, and we hope to never see another like it." And minimizing Colonel Smith's excited indignation, the editor observed that in "spite of all the low, mean things said about him, he has gone along the even tenor of his way. . . ."⁶⁴

A few months before the voting took place, editor Shackelford of the *Oglethorpe Echo*, whistling in the dark, professed to believe that Colonel Smith would win: "Read the Constitution and Clark Howell is elected; read the Journal and Hoke Smith is safe; read the Savannah News and Colonel Estill has plenty of counties and to spare; hear Judge Russel [*sic*] speak and everything in sight is his; go to the common people and Col. Smith will be elected—and theirs is the voice that it is well to credit."⁶⁵

The voting took place on August 22 and Hoke Smith carried the day, proving that the man with the most complete machine wins always. Smith carried only three counties, Oglethorpe, Madison, and McDuffie, with a total popular vote throughout the state of only 8,224. Hoke Smith received 94,447; Russell, 25,296; Howell, 21,720; and Estill, 14,214.⁶⁶ Since Colonel Smith had not campaigned outside of northeast Georgia, it was not assumed that he expected to win, but that he hoped to have a commanding influence in a deadlocked convention if it should develop and most of all he wanted vindication of his personal character "by the endorsement of his immediate neighbors."⁶⁷ But somehow ever-loyal editor Shackelford seemed to have expected more. The morning after, philosophically he wrote, "Just as well laugh as cry"; at least the moon was right "for sowing turnips."⁶⁸

Colonel Jim got his vindication, but not fully, for he did not carry the town of Athens and Clarke County, many of whose citizens he had befriended in many ways. Out of 1,259 votes he received only 219—Russell carrying the county, but Hoke

Smith receiving 458 votes. For this denial of confidence, Colonel Smith felt hurt and somewhat resentful to the day of his death. But he could take pride in the fact that his Pleasant Hill Precinct gave him every one of the 111 votes except one for Hoke Smith.

The sweetest balm which Colonel Smith got out of this election was the fact that he carried McDuffie County and thereby "humiliated" Tom Watson; but he had to work hard for this satisfaction. The traditional story ran: A lieutenant telegraphed Colonel Smith on the night of the election day, "All lost except honor and McDuffie, and McDuffie came damn high." It was stated by one who was deep in the counsels of Colonel Smith that he spent \$10,000 on McDuffie.⁶⁹ Colonel Jim's friends rejoiced with him and were doubly glad that by his carrying McDuffie, the state would be "spared the humiliating spectacle of seeing Thomas E. Watson as a delegate in a democratic state convention."⁷⁰ It should be stated that the candidates appointed from the counties which they carried the delegates to the state convention which made the nomination and formulated the platform. The Jim Smith Democrats hated Watson for the slanders he had spread in the campaign, and all "true and unterrified" Democrats felt that Watson had not yet done sufficient penance (if indeed any at all) for having been a Populist, even as late as two years previously, when he ran for the presidency on the Populist ticket.

Watson was a superb hater with an unforgiving memory as long as an elephant's. His neighbor in the town of Thomson, Paul Bowden, a young banker, was Colonel Smith's chief manager in the McDuffie campaign, and in one of Watson's speeches he warned with a great sweep of his arms his audience "to keep their eye on Bowden." After the election, the editor of the *Jackson Herald* remarked, "Bowden must have kept his eye on Watson for he succeeded in carrying the county of McDuffie against him."⁷¹ Watson was so bitter over his defeat in his own county that for the next fourteen years he never spoke to Bowden, though they both lived in the same little town.⁷²

Instead of toning down his bitterness against Colonel Smith, Watson increased with the years his hatred, and invented more loathesome names to call Colonel Smith and manipulated

charges against his conduct of his campaign years after it had ended—and by 1910 he had fallen out with Hoke Smith and was using slanderous charges against him equal to those against Jim Smith.

In 1910 Watson set out on an almost insane tirade against Jim Smith, in which he used these expressions: "Peonage Jim Smith," "Convict King," "Mandy's Jim," "that enormous human hog," "old monster," "thief," "saturated with crime," "has been vehemently suspected of having men killed to get them out of his way." As if he was still in the midst of the campaign of 1906, Watson said that he had it "pretty straight" that "Mandy's Jim" (a variation of Lucindy's Jim) had sent 1,200 pints of rye whiskey to Comer (in Madison County) to help carry that county, had ordered 400 pints for another place, and that he had said "he'd spend \$100,000 to humiliate" Watson in his home county. Actually during the campaign Watson had charged that Colonel Smith had threatened to spend only \$1,000.⁷³

What set Watson off on his 1910 tirade was not only the ever-present bitter memory of losing McDuffie County in 1906 but also losing it again in 1910, when Thomas W. Hardwick, whom Watson was opposing, carried it in his Congressional campaign; and to add the bitterest gall of all, Colonel Smith was supposed to be supporting Hardwick, although Colonel Jim did not live in that Congressional district. Colonel Smith was not one to believe that righteousness needed no defense; as often as he was attacked so often did he rise to his own defense. In answering Watson this last time, Colonel Jim wrote a sharp, sarcastic, and devastating letter, in good frontier language, "skinning him alive and nailing his hide to the cabin door." Referring to the statement of spending \$100,000 to humiliate Watson, and using the third person, Smith said, "Anyone with an ounce of sense ought to know that Jim Smith is not such an arrant fool as to make such absurd statements." He had no desire to humiliate anyone, but Watson could "always be relied upon to do the job, and do it well, of humiliating himself. . . . Jim Smith is no politician. He takes comparatively little interest in politics." As for Tom Hardwick carrying McDuffie County against the will of Tom Watson, Jim sarcastically said, "Watson can always be depended upon to carry the county of McDuffie for the man he is against. . . .

No matter on what subject he starts to write, he sandwiches in the article, however foreign it may be to the subject, some slander, some falsehood about Jim Smith." Of course, Jim Smith never sent whiskey to Comer to buy votes. It was utterly absurd; check the express agent records. He furnished neither whiskey nor money to buy it: "Whatever sins Jim Smith may have, he is clear of using whiskey in any shape." And for the last time he would answer the "Convict King" epithet. He was not one of the original lessees. "He bought and paid for his interest in the lease. . . . If it is a reflection on Jim Smith to have had the confidence, the respect, the esteem, and to have been a partner and associate of such men as General John B. Gordon, United States Senator Joseph E. Brown, William D. Grant, William W. Simpson, Chess B. Howard, George W. Parrot and many others of like character, then let it be so considered."⁷⁴ Colonel Smith was reported to have said that Tom Watson was the "most unscrupulous man there ever was."⁷⁵

Whether or not Colonel Smith said of the 1906 campaign that "his damn rascally friends wouldn't let him get out of the race,"⁷⁶ he carried out such a limited speaking schedule as to indicate that his heart was not in the race, and it is safe to say that had he been able to read the future he would never have run for governor and would have been a happier man.

Chapter XI

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• FARM PHILOSOPHER
• AND BENEFACTOR
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COLONEL Smith's main interest was farming and what could be done on the land, not politics and what could be got out of political offices. Farming brought him fame and fortune; politics, infamy and slander. He loved the land; he liked the smell of new-plowed soil, the aroma of new-mown hay, the flavor of smoke from brush burning on a new-ground.

Not only did he like farming, but he sought to induce others to become farmers, especially the young generation coming on; and most of all he was pleased to give good advice on how to make a success of farming, by personal conversations, letter-writing, speech-making, and publications. This was his apostrophe to the farmer: "Unknown to fortune and fame, the farmer lives and dies on his farm, yet the fruits of his labor build great cities, construct great railroads and whiten the ocean with ships."¹ A farmer was "worth more to his country than all the chronic office seekers and professional politicians who ever lived, . . . the great conservative element which defeats at the polls the anarchists of the cities."²

He made many speeches throughout the state, at farmers' meetings, agricultural schools, Chautauquas, and on county court days—always giving homely advice on how to succeed on the farm.³ In a speech which he made at the Third District Agricultural and Mechanical School in Americus, he advised young men to go into farming and to stay with it. He repeated the speech on other platforms, and it was published several times. In a sentence chock-full of sound wisdom, he said: "If a young man will engage in farming and stick closely to his business through rain and sunshine, storm and drouth,

use industry and economy, exercise good judgment, steer clear of bad habits, keep sober, act fairly and honestly with his fellow man, neither cheat nor be cheated, control his passions and his prejudices, exercise patience and forbearance, dig deep for the truth, look and plan ahead, walk today in order that he may be able to ride tomorrow, always remembering that 'The diligent shall inherit the earth,' do his duty in preparing, planting, gathering and marketing his crops, success will surely crown his efforts, and when he dies he can be buried under his own vine and fig tree."⁴

Colonel Smith liked to sit down with some young friend and give him advice. As an observer once remarked, Colonel Smith was "not only a statesman, but a philosopher as well, and it is his constant desire to fertilize the brains of his young friends with sound advice and stray bits of timely counsel." Sitting before his fireplace one winter's day, talking to Frank Holder, a son of his old benefactor, Colonel Smith said, "Frank, the best thing you can do will be to move down here and buy a farm." To continue to live up in Jackson County would hamper him with what was called "neighborhood ideas"—which meant getting into a rut and staying there. But if Frank was determined to continue living in Jackson County, the Colonel facetiously said, "the best advice I can give you is to buy a flock of goats, plant beardless barley, and get married and raise a crop of young Holders. . . . Now, had I settled near Danburg where I was born, I very much doubt if I would have ever achieved much, but continued to follow the old beaten paths marked out by generations of neighborhood boys." Colonel Smith explained to young Holder that the reason he should get a flock of goats was the fact that he had noticed in front of the Holder residence an oversupply of large rocks, "and the only crop that they will successfully produce is goats, for there is nothing in which an old billy more delights than to climb on top of one of those rocks and jump off."⁵

He preached by word and example diversification of crops as well as diversification in all other activities that could be carried on on a farm: "Let every farmer raise corn, wheat, peas, potatoes, sorghum, forage, meat, butter and everything to eat in sufficient quantities to supply him and his family, and if possible some to sell."⁶ And let him make his farm a little

hive of industries, which would free him from buying things which he could make. And especially let him not be buying farm products from the West, corn, bacon, and those very things which he could raise on his own farm; and what was even worse, let him not move to the West, where "they have heavy snows, deep and long freezes, cyclones and six or eight months of winter."⁷ Agreeing with Farmer Jim's advice, editor Shackelford of the *Oglethorpe Echo* remarked, "We saw two sacks of western corn in a farmer's wagon the other day. It looked strange."⁸

Colonel Smith pleaded with farmers not to abuse their land by working it "for all there was in it without regard for the future."⁹ "I believe that if you make your land rich," said the Colonel, "it will make you rich, properly cultivated; and that no money is to be made at farming by wearing out and exhausting the land. In order to be successful the farmer must take care of his land and his stock and tools, and look after the welfare and comfort of his laborers. I have believed in the dictum that what is worth doing is worth doing well, and that no money is to be made by wearing out the land."¹⁰

He gave a general formula whereby a farmer could make \$100,000 on 100 acres in ten years, and he gave his "word and reputation as a farmer" that this could be done, if his advice was followed. It consisted of such common-sense operations as clearing the land of stumps and rocks, properly building up its fertility, planting certain specified crops, and putting profits annually in safe investments.¹¹

Colonel Smith was often asked on what he based his success, but there were some people who did not need to ask; they saw the answer as they looked on his plantation, "probably the largest diversified farm in America." They saw that he produced "all the food crops needed on the estate for man and beast," and that he turned out "an immense marketable surplus in cotton, wheat, butter, beef, hams, peas, fertilizers and cotton seed oil."¹² A reporter sent out by an Atlanta newspaper to find the answer saw it in this light: "In his own person he combines the farmer, the railroad magnate and the manufacturer. If the railroad man oppresses the farmer, he oppresses himself. If the manufacturer gouges the farmer, he gouges himself. Yet he is a soul without a corporation, a monopoly without a trust, a combination without a syndicate. While

others are cursing the devil of combination, he shows what it will do on the farm. He is producer and consumer, capitalist and laborer and all without a row."¹³ At the bottom of it all, another saw the answer "in the unceasing personal oversight that Col. Smith gives to every detail of his vast business."¹⁴ Among the answers for his own success which Colonel Smith himself gave was this one: "That is hard to tell, but I can give you a good recipe for success—namely, good judgment, hard work, close attention to the minute details of business, and stay in a good humor always."¹⁵

As the Colonel looked around among the small farmers of Georgia he saw much stupidity, idleness, and ignorance, and he concluded as he looked down the road to success for them, that he would erect more "don't signs" than "do signs." Why were there so many "shirt-tail one-horse" farmers? Although the picture was dismal he was not averse to analyzing the situation. The farmer should profit from the experience of others, but "he waits until he gets in a hole—and then he wants somebody to tell him how to get out. He should have learned to keep out. I have met thousands of men in my time who never knew when they came to 'the fork in the road.' There is always a point where the roads to success and to failure fork. The only wise way is when you come to this 'fork,' if you do not know which road to take do not go any farther until you ask some one who has traveled the road and who knows which prong leads to success and which to failure."¹⁶

It was always easier to blame someone else than one's own self. There was always "the other fellow," who was responsible for the failure. "Now, if we could only catch 'the other fellow,' " said Colonel Smith, "and put him where he would be incapable of doing us harm, it would be all right. But he is a regular will-o'-the-wisp that we can never get in reach of." And many of the small white farmers, unable to catch "the other fellow," were leaving the country and going to the cities, and the "richest and fairest section of our country has been turned over to negroes and bermuda grass, and many farms therein don't rent for enough to pay taxes. . . ."¹⁷

He was often asked to discuss waste and failure on farms. David C. Barrow, a professor at the University of Georgia, who had grown up on a big plantation in Oglethorpe County, in 1909 asked Colonel Smith to give his views on waste on

farms. Smith replied that there were "so many losses, wastes and leaks on the farm arising from so many different causes that forty chapters could scarcely enumerate half of them." He then proceeded to write a letter of about 3,500 words in which he explored the subject. "No industrial, manufacturing or mercantile business can bear such waste, as is usual on the farm, without becoming speedily bankrupt," he declared. Procrastination was "one of the great obstacles to successful farming. Many farmers," he continued, "postpone until next week that which they have an opportunity for doing this week. This week the ground is in good condition, and we can plow. Next week the ground is too wet, and we cannot plow. This week we can cut our grain. Next week the rain and wind have blown it down, and not more than half of it can be saved. This week if we plant our corn there is enough moisture in the ground to bring it up promptly. Next week the ground is too dry to germinate the seed, and the seed will often lay in the ground for weeks before there is any rain to bring them up. The same is true in planting cotton seed and other crops. This week the ground is in order and it can be plowed and pulverized nicely. Next week it has become too dry, and can only be broken by bursting up clods."

And so it went. Instead of watering his horse when he should have done so, the farmer put it off, and when the horse finally was watered, it drank too much, got the colic and died. He put off cutting his hay and lost it by rain or frost. Idleness was "one of the great causes of waste and loss and failure on the farm." It was "worse than droughts, excess of rain, storms, or frost."

Colonel Smith divided farmers into two classes: "The ignorant, the wasteful and idle class; and the intelligent, saving and industrious class." In describing the first class, the Colonel gave a perfect picture of the shiftless farmer who was long to be a curse to the South. During the first three months of the year, land was generally too wet to plow, and the improvident farmers idled away their time. "They shuck no corn, generally have none to shuck; beat out no peas; haul no straw and litter into the stalls and lots to increase the manure pile, make no axe and hoe handles, turn up and mend breaks in no terraces, do not work on the upland ditches, or any other ditches, cut no briars and bushes which have grown up on the terraces

and ditch banks, and clean off no fields to be ready for the plow. They have no pastures or gardens of any consequence, and make no efforts to have any. The horse troughs are on the ground with a rock in each end as a feeble attempt to prevent the corn from being wasted. Their stable doors are down, and they stop up their stable with poles or rails crossed in the stable doors. Their lot gates are off the hinges or without any fastenings. Their lot fences are often down. They make no effort to accumulate any manure, and if any accumulates in the stalls they occasionally throw it out in the lot where it is washed off down the gullies to the branches by the rains. They make no attempt to raise cattle, hogs or colts. They have no shelters for their cattle. If they sow any wheat, it is done in December when the ground is too wet and of course, make but little wheat. They sow no oats in the fall, but late in the spring they buy some Western oats on credit and sow them on thin land without any fertilizer and virtually make no oats. They sow no barley or rye in order to have green forage for their stock early in the spring. They half prepare their land and half plant their crops, plow and hoe but little, and always lay-by their crops early. They ride around over the neighborhood, tattle from one to the other, and often create strife among their neighbors. They visit the cross roads and village stores and frequently the city. They can seldom be found at home. They make no effort to improve the land or in any way take care of it.

“Such farmers raise poor crops and generally come out in debt. They hunt a new merchant every year from whom to obtain credit, and then curse out the merchant who furnished them the year before. They take little or no interest in gathering their crops. If they are much in debt they leave the greater part of their cotton in the field for their creditors to pick. There is no computing the waste and loss they entail upon the country in which they live.”¹⁸

The native ability in a person, if allowed to assert itself, would carry him a long way down the road to success—so Colonel Smith thought. Apparently belittling the importance of a formal education, he once averred that “many of the future governors of Georgia will not claim as their birthplace any of the towns and cities of our State with their splendid school facilities, neither will all of them be graduates of any of our

colleges or universities. At least some of them will be born and reared in some backwoods counties without an education. A man is a valuable citizen who is honest, industrious and faithful to every trust confided to him although he may spell coffee beginning with a K."¹⁹

Such thoughts as these, however well they might be exemplified in the career of some individuals, were rare in Colonel Smith's thinking. He was fundamentally a strong believer and actor in promoting education. He often said that the greatest gift parents could give their children was a good practical education.²⁰ "Better than high birth or much gold—a good education," said the Colonel. "Educate your boy just as well, if you want to make him a farmer, or if he intends to become one, as you would educate him if the law or medicine is to be his calling."²¹ Country boys should not stand back from attending the state University: "The farmer's son has quite as much right at the University as any other boy and it is quite as important for the general welfare that he should avail himself of it. This is the people's school and its doors are open to boys of all classes. Their fathers should, if possible, send them there and they should feel at home when they get there."²² It was not in Colonel Smith's nature to add that when an ambitious boy wanted to attend school and his father was unable to send him, the Colonel himself would do so. Yet he did so many times; it has been asserted that he aided in educating a thousand boys.²³ A fellow citizen of Oglethorpe County said that the Colonel had "educated hundreds of boys and girls. Many a poor young man owes his start in life to him."²⁴

As much as he believed in educating the boys, Colonel Smith was even more interested in seeing that girls got an education—they were the future mothers of the next generation, the architects and moulders of a continuing civilization. Colonel Smith once told a confidant that it was his hope to use a great part of his wealth "to build a monument to my mother by educating the poor white girls of Georgia."²⁵ In speaking of the philanthropies of Colonel Smith, Sam W. Small said: "He has set farmers on their feet, equipped preachers for their pulpits, tided young lawyers over from Blackstone to their briefs, and has made it possible for those thousands of Georgia girls to become efficient teachers, home-makers and ornaments

to the social life of the state and country.”²⁶ One of Colonel Smith’s admirers in Elbert County said in 1906 that he had educated two thousand girls.²⁷ “I believe in the education of all the people,” said Smith. “If education does not help a child, then what does?” he inquired.²⁸

Colonel Smith remembered the old axiom that charity begins at home, and he acted on it. He maintained six schools on his plantation, three for whites and three for the colored people.²⁹

It hardly would have seemed possible for Colonel Smith and George Foster Peabody not to have met and admired each other’s interest in promoting education, for Peabody was a great educational philanthropist and one whose munificence Georgia was to enjoy during the first part of the twentieth century. Peabody was a guest at Smithonia in 1904; that same year the Georgia legislature passed a law appropriating \$25,000 for the construction of “a college building” on the campus of the State Normal School in Athens, to be made available when a like amount had been raised by private subscription.³⁰ If not the inspiration of this legislation, Peabody was certainly instrumental in bringing it into play, for he contributed \$10,000; and it may not be implying too much to think that on one of his visits to Smithonia he suggested to Colonel Smith that he contribute a like amount. But in the light of the fact that Colonel Smith was vitally interested in educating girls (and the State Normal School was a school for girls, though occasionally a boy or two attended), and in the further fact that it was an annual occasion for the State Normal School girls to be entertained at Smithonia—it might well be assumed that the Colonel needed no promptings to make the gift. Earlier it had been rumored that Colonel Smith would make a gift of \$75,000, to erect a science building on the State Normal School campus.³¹ The building which Smith and Peabody aided in erecting became a science building, devoted to home economics and related subjects, and it was named Smith Hall. In making the gift, Colonel Smith remarked, “I never begrudge appropriations that enable a poor boy or girl to climb. I remember how hard it was for me to secure my college education, and I want, through this gift, to give those coming after me a better chance.”³² Colonel Jim laid the first brick in the new building, which led the *Griffin News & Sun* to say, “That is a great

deal higher honor than throwing the first brick in the gubernatorial campaign,"³³ which Colonel Jim had not yet entered. And one of his old acquaintances over in Jackson County observed, "There is no better friend of education anywhere than Col. Smith."³⁴

The laying of the first brick was made a great occasion. Colonel Smith drove to Athens in his carriage, arriving about eleven o'clock in the morning. He was met by a committee of the faculty and escorted into the assembly hall where every seat was occupied. As he entered a great applause broke out from the young ladies. He had not understood that he was to make a speech, and when called upon he had to speak impromptu, but he captured his audience. "Had Rome expended some of her talent in the erection of Science halls for her daughters, and built fewer amphitheaters," he said, "her history might have been changed." And keeping in mind the education of Georgia's girls, he remarked, "It were better that Rome had educated a thousand of her daughters than to have produced Caesar, yet she might have done both."³⁵

Colonel Smith believed in increased salaries for school teachers, and above all he believed that they should be paid when their salaries were due, but such a happy situation did not always develop. On one occasion when there was no ready money to pay the salaries of the teachers of Oglethorpe County, he provided \$2,000 without interest for their prompt payment;³⁶ and again when the teachers in Jackson County were in a like predicament, he supplied the money without interest.³⁷

In the heat of the gubernatorial campaign of 1906, it came to the attention of Colonel Smith that the state treasury lacked \$17,500 of having enough to pay the old Confederate veterans of Clarke, Newton, and Greene counties their pittance of a pension. He went to Governor Terrell and offered to lend the state the money without interest, to be paid back when the legislature should meet and make the appropriation; but he made this condition, that the sources of this money should be kept a strict secret—that all records of it be handled by the Governor direct and not delegated to a secretary, who might not keep the secret. He did not want it to be said that he was using this method as political trickery to secure the votes of Confederate veterans. Before going to the Governor, Colonel Smith had slept over the matter (as he often did before

making some difficult decision); the next morning his mind was clear: He would offer the loan, and to obviate the charges of vote getting, he had hit upon secrecy. As reported after the election, "In the watches of the deep darkness he seemed to see the old campfires, the gray and battered soldiers in bivouac in the snow—he saw the field of the killed, the hospital and the prison pens." And according to the same source, "He is a man of large charities, but abnormally sensitive concerning any publicity made by his generous deeds."³⁸

It was not necessary to be either a school teacher or a Confederate veteran to receive the sympathetic and substantial attention of the Colonel. One who knew him for many years said he had never seen or heard of Colonel Jim turning "anybody down in distress in my life."³⁹ One who had reason to know personally on more than one occasion of Colonel Smith's generosity, in 1903 said, "But from the soil he has dug a fortune of over one million dollars; and he has made this money, too, by industry and the application of brain power, and not one dirty penny, or a dollar extorted by the wronging or oppression of any human being, white or black, has ever drifted into his till. [Instead,] he has given away a fortune in charity, or by selling goods and helping people when he knew it would be a loss. . . . He never turns a deaf ear or closes his purse to an appeal for help, when the applicant is worthy."⁴⁰

A man who became almost as much an institution as the Georgia Railroad, was Captain Hutchens, a conductor for many years on one of that railroad's passenger trains, which connected with Colonel Smith's Smithonia and Dunlap Railroad. In commenting on the Colonel the Captain said in 1900 that he was "one of the kindest, one of the best and one of the wisest men in Georgia. All the people in the whole section come to him with their troubles." He was constantly lending people money which he never expected to be repaid. And Colonel Smith himself said, "I have \$150,000 owing me, of which I'll never get a nickel."⁴¹

After Colonel Smith's death, the administrators in settling up his estate left these records: There were 130 "Open Accounts Receivable" ranging from \$1.50 to almost \$10,000. After 58 of them, they marked "No value," and the remaining ones they marked down 50 per cent. There was another list entitled

"Notes and Accounts Receivable," consisting of 115 items ranging from \$2 to more than \$1,000, all marked "Insolvent. No value."⁴² These were some of those people to whom Colonel Smith had loaned money, knowing at the time that neither he nor anyone who should follow him would ever "get a nickel."⁴³

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Chapter XII • TRADER, PROMOTER,
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ON ONE occasion when Colonel Smith was asked the formula for his success he replied, "First, my energy or industry; second, my ability to manage labor; and third, my judgment in investing wisely."¹ He kept as close track on his investments and on opportunities for making them as on the names of his workmen and mules or how much his workmen bought at his store or how many ears of corn or bundles of fodder his mules ate in their stalls. But his whole life was proof that it was not the love of money that actuated him; it was the making of it and the disposal of it, either in investments or in outright gifts or loans which he knew would never be repaid. It was process not possession. That fact explains why in many of his transactions he made no money at all.²

He was a born trader; his nostrils enlarged and his eyes gleamed at even the thought of a trade. His peddling days were really trading days; he swapped one thing for another. Even as a millionaire he was always ready for a trade—big or little. His philosophy was: neither cheat nor be cheated. The story was often told that when he was a young man, in his peddling days, he sold a cow to a man who lived across a river and agreed in the sale to deliver the cow. Getting in a boat with the cow tied to it he set out. The cow soon took the lead and instead of beating against the current to the other side, it swam down stream pulling the boat along toward a dangerous rapids. Jim decided to cut the rope, but he had lost his knife. He tried to untie the rope but the cow kept it too taut. Jim then jumped out and swam to safety. Thereafter in selling or trading a cow, Jim never agreed to deliver the animal, especially if there was a river to cross.³

Colonel Smith was not sophisticated in the ways of Wall Street and stock markets and paid no attention to the sorts of investments made there. He was a community investor, taking advantages of opportunities within a radius of a hundred miles of Smithonia. In helping himself he was helping his neighbors by making his money available to them, as loans, purchases, or promotions. As such opportunities were not listed like stocks or bonds on the financial pages of newspapers, Colonel Smith resorted to other means for finding out about them. Men of standing and integrity, lawyers and businessmen, acted much like agents for him, to inform him of good investments. Judge Andrew S. Erwin,⁴ Paul A. Bowden, Judge Hamilton McWhorter, and David Meadow were among such. They did not advise him so much as just inform him of what they considered good investments. Colonel Smith decided for himself what he would do—generally sleeping over important propositions and making up his mind the next morning.

Colonel Smith's land dealings, which have been previously noted, were for the most part adjunct to his farming operations rather than a source of investments to make his dollars work for him. The main exception was his purchase of town lots, in which he dealt widely, both buying and selling. He entered these financial activities in the 1880's and continued to the year of his death, starting out by acquiring lots in Lexington and land in the vicinity, which would become more valuable as the town grew. In the 1890's he was buying one-acre Lexington lots for \$450 each.⁵ Other Oglethorpe County towns in which he bought lots were Sandycross, where in 1888 he bought three acres for \$430.33, and in 1894 one acre for \$300;⁶ Maxeys, where in 1889 he bought one and two-thirds acres at the rate of \$100 an acre, and in 1912 he bought five lots for \$2,500;⁷ in Winterville, which lay astride the Oglethorpe-Clarke county line but mostly in Clarke;⁸ and in Crawford where his dealings were more extensive than in any other of the Oglethorpe county towns. In 1887 he bought a Crawford lot for \$400 and in 1911 he bought two for a total of \$1,500.⁹

Across the Broad River in Elbert County, Colonel Smith made investments in Elberton town lots and at least one lot in the village of Middleton,¹⁰ but his most active dealings in town lots were in the adjoining counties of Clarke and Madison. Colonel Smith's transactions in town lots and buildings were

more extensive in Comer than in any other town in Madison County,¹¹ though he was not far behind in his interests in lots and buildings, including cotton gins, in Colbert (Five Forks), only a few miles from his own Smithonia, which he owned in its entirety.¹² Other Madison County towns in which he owned property were Danielsville, Hull, and Carlton.¹³

In point of value Colonel Smith's properties in Athens, in Clarke County, were greater than in any other town. He bought lots with buildings on them at such prices as \$10,000, and for one triangular block he paid \$61,800.¹⁴ The Colonel was an investor in town properties, not a builder; but in at least one prominent instance he erected a building on a lot which he bought for that purpose in 1913. This was in the heart of what was fast becoming the center of the business district of Athens, and in this transaction Colonel Smith was pushing along that movement, for he bought the old residential lot of the Eustace W. Speer family. Colonel Smith paid \$44,000 for the lot, and agreed to erect on it a building to accommodate several stores, to cost \$25,000. He was induced to make this investment by one of his Athenian advisors, who as renting agent guaranteed Colonel Jim 8 per cent on his investment for the next five years. Athenians were hoping that Smith would add a third skyscraper to Athens' growing sky line, but when it was discovered that the building was to be a squatty structure, one Athenian commented: "He is only going to have it two or three stories high. Most everybody is indignant with him for not putting up a large, handsome building there instead of the one he is, and he is so amply able to have done."¹⁵

In Jackson County (as then constituted) he owned lots in Commerce, Statham, and Winder,¹⁶ and in Greene County he bought a lot in Bairdstown for \$600.¹⁷

A little afield of the heart of Jimsmithdom, the Colonel acquired lots in College Park, and in Fulton County a fourteen-acre tract which Atlanta was expected soon to spill into.¹⁸ In the central Georgia town of Hawkinsville he owned two lots valued at \$14,000.¹⁹ In 1906 Colonel Smith became interested in the opportunities offered in Crisp County, recently organized, and in its booming town of Cordele. By 1910 he had heavily invested in Cordele lots, owning in addition to eight or more city lots twenty-five acres within the corporate limits and various suburban tracts.²⁰

It was not a far cry from owning city properties and other lands to having a mortgage on them; for it happened now and then that loans were not repaid, and then the mortgaged properties became Colonel Smith's—and frequently the mortgage deed was so drawn as to make no distinction from a warranty deed, where actual ownership was given.

It was a lean year, indeed, when Colonel Smith's profits were less than \$100,000. It fell to reason that he would not invest it all in city lots, buildings, and lands. So, lending his money safely and profitably would have been an almost full-time job for the ordinary investor, but Colonel Smith with the aid of his financial advisors and scouts, did this and still found time to run his plantation and all his ancillary enterprises. In lending money the Colonel took a mortgage on any kind of real estate that had value, always assessing its value and making sure that the loan was fully secured. In every town where he had bought property he also had made loans secured by other property in that town or in the vicinity, or sometimes widely scattered over the state.

In Oglethorpe County he made many loans of from \$150 to \$17,645, secured by mortgages on land, with one loan of \$12,678 secured by property in the town of Crawford.²¹ He made fewer loans in Elbert County, but some of them ran from \$10,000 to \$15,000. One of his loans was in part secured by "Farm Hill where T. R. White now lives." This was the girlhood home of Corra Harris, a writer of national renown in the early part of the twentieth century. Also he made various loans to the Pearl or Heardmont Cotton Mill at the little settlement of Beverly on Beaverdam Creek in Elbert County; and finally in 1909 in bankruptcy proceedings he became the owner of this establishment, costing him in satisfying his mortgage and in cash payment \$61,250. This mill, run by waterpower and auxiliary steam power, was a large brick structure, two stories high, housing 7,334 spindles. There was a stone warehouse and thirty-eight houses for operatives. This was one of Colonel Smith's less wise investments, since the mill was never operated during his lifetime after he had secured ownership.²²

In Jackson County he made loans as high as \$65,000, secured by land, and one loan of \$25,000 to his friend Frank Holder.²³ But Colonel Smith's largest loans were made to Athenians, one of \$70,000 secured by twenty-one items of real estate in the

city and county; the other of \$73,500, secured by land, city lots, and buildings in Clarke, Madison, Jackson, Greene, and Fulton counties.²⁴ He made many other loans in Athens, some of which resulted in his taking possession of property given as security.²⁵ He made at least one loan of \$1,000 in McDuffie County three years after he had carried the county in the political campaign of 1906.²⁶ In Greene County he made a loan of \$6,000 to the Greene County Oil Company;²⁷ and in Cordele in 1911 he loaned \$25,000 to the Central Oil and Fertilizer Company, taking as security thirty-nine city lots, buildings, mills, and 920 feet of railroad track.²⁸ He had previously made a loan of \$40,000 in Cordele, taking as security a great deal of city property, including warehouses, stores, and a hotel.²⁹ Probably the greatest amount that Colonel Smith ever loaned to one person was \$270,000, secured by large tracts of land in Alabama. This was said to have been one of the best investments the Colonel ever made.³⁰

In addition to these loans, large and small, which Colonel Smith made, with real estate as security, he made almost innumerable small loans (and a few large ones), accepting as security personalty, such as livestock, farm implements, and many other items, including even crops not yet produced. The legal instrument used in such transactions was a bill of sale or chattel mortgage, which legally transferred the ownership of the property to the creditor, and when the loans were repaid, the property was returned—though it had never been actually in the possession of the creditor.

Such loans ran from \$12 on two heifers to almost \$30,000. He loaned \$20 on a two-horse wagon and a top buggy and harness; \$30 on a cow and bull calf; \$37 on a cow named Cherry, a calf named Bossy, and the cotton crop from five acres of land.³¹ One of these small-loan instruments ran: "GEORGIA, Oglethorpe County. For and in consideration of the sum of Fifty Dollars to me in hand paid at and before the signing sealing and delivery of these presents, I hereby grant, sell, alien and confirm unto the said James M. Smith his heirs and assigns the following described property to wit: Six head of Hogs all sows about 12 months old, black Berkshire weight 150 each, marked with two slits in right ear of each hog. All of said property is now in my possession in the County of Oglethorpe said State and is unincumbered. It is agreed by the

said James M. Smith that I may use the said property until the 1st of November 1909 on which day I am to return the said property and deliver the same to the said James M. Smith at his residence in Oglethorpe County in good condition, and I am to take good care of all of the said property while in my possession, and I take all risk of all loss or damage to any or all of said property by death or otherwise and agree to be responsible to said James M. Smith, for all such loss or damage. . . . C. B. Cummings.”³² This was another way of saying that when Cummings paid back the loan, the property which had belonged to Smith during the period of the loan, now belonged again to Cummings. Where Colonel Smith’s profit came from did not appear in the legal document, but presumably he was to receive the legal 8 per cent interest on the loan.

An instrument in a different form was executed in 1892 whereby Colonel Smith loaned \$459.85 at 8 per cent interest to W. R. Wilson in Greene County. Wilson agreed to pay all costs of collection and gave a mortgage lien on one bay horse named Button, two “mouse colored mare mules” named Nancy and Mary, two like-colored mules named Laura and Alice, and one “black horse mule” named Gabe.³³ Back in 1876, when Colonel Jim himself was just getting well started, he loaned \$700 to a Madison County neighbor for “supplies furnished to carry on . . . farm and agricultural interests,” and took a mortgage on all the borrower’s property, charging him 12 per cent interest, which was at that time legal.³⁴ He loaned an Oglethorpe County farmer in June, 1909, \$701 and took as security a cotton crop growing on 125 acres.³⁵

The largest loan Colonel Smith made with the greatest multiplicity of items listed as security was to his Oglethorpe neighbor E. W. Johnson. The amount of the loan was \$29,490. As security, Johnson gave 61 bales of cotton stored in Colonel Smith’s warehouse (weighing 26,897 pounds), nine mules, four cows, one bull, three wagons, various farm implements, and all the cotton and other growing crops on 1,140 acres—the cotton to be delivered to Colonel Jim’s establishment for ginning.³⁶

Some of the bills of sale or chattel mortgages were outright sales rather than loans, and unless there was recorded in the county archives a repayment of the loan, there is reason to believe that they might represent outright purchases by Colonel Smith in the first instance or did lead to his possession by a

failure to repay the loan. Although it might not always be clear whether or not he was buying or lending on livestock, crops, and farm implements, there is no room to doubt that he had an eye for mill sites where waterpower could be developed on the various rivers and swift creeks in Oglethorpe and Madison counties; for he paid as high as \$1,100 for an eight-acre mill site in Madison County.³⁷

Most of the money which Colonel Smith loaned bore 8 per cent, which was the highest legal rate after 1879; but if no rate was stated, then it was to be understood according to law, that 7 per cent was intended. Many of his larger debtors, and some of his smaller ones, were required to pay the interest monthly, and he customarily loaned money for not longer than a year, though he was generally willing to renew loans.³⁸

Another outlet for Colonel Smith's money was in stocks and bonds, which though appealing less to the Colonel's trading instincts than items in other fields of investment, absorbed a large part of his capital. There was a smaller return on such investments, but generally greater safety. He bought stocks in at least two dozen banks, mostly in the small towns in Oglethorpe and the surrounding counties, and he helped to organize a few banks. He owned from five to thirty shares in Oglethorpe's four banks.³⁹ He owned fewer than fifty shares in most of the banks, but he held seventy-five shares in the Citizens Bank of Maxeys, eighty-four shares in the Bank of Thomson (of which his young friend Paul A. Bowden was president), 107 shares in the Atlanta Trust Company, and 400 shares in the Georgia Railroad and Banking Company. Also in the seven banks in Athens at one time or another, Colonel Smith owned shares—100 shares each in the Georgia National Bank and the Commercial Bank of Athens and 136 shares in the American State Bank. He held thirty-four shares in the National Bank of Athens.⁴⁰

Also he invested in the shares of various other enterprises. He owned 1,250 shares in the Empire Life Insurance Company of Atlanta and smaller numbers in three other insurance companies.⁴¹ He bought shares in four cotton mills: 105 shares in the Woodside Cotton Mill, Greenville, S. C.; 100 shares in the Southern Manufacturing Company, Athens; 280 shares in Ware Shoals Manufacturing Company; and 56 shares in the High Shoals Manufacturing Company. Not only did he own his

oil and fertilizer mill at Smithonia, but also he invested in the shares of at least three other such establishments.⁴² He owned 122 shares of stock in the Atlanta and West Point Railroad; 100 shares in the Georgia Clay Products Company of Athens; and ten shares in the Real Root Beer Company.

Colonel Smith was an expert at diversifying his holdings of paper securities. He did not neglect to invest in bonds. He held \$63,250 in bonds of the Athens Railway and Electric Company; a \$1,000 bond on the Georgia Railroad; \$14,500 in the bonds of the Southland Estates Corporation of Atlanta; and \$8,000 in bonds of the Perkins Manufacturing Company of Augusta.

Although he did not invest heavily in national, state, and municipal bonds, he had a sizeable sprinkling in these. He owned \$2,600 in United States bonds; \$7,000 in the bonds of the State of Georgia; and \$12,000 in the town of Midville, \$6,500 in the town of Union Point, \$5,000 in the town of Pooler, \$4,000 in the town of Whigham, and \$700 in the town of Oliver.⁴³

In addition to buying city lots, mill sites, stocks and bonds, and lending money to individuals, Colonel Smith invested money in the educational and religious welfare of Georgia by lending money to organizations promoting such interests. In 1896 he bought at public outcry two \$1,000 Oglethorpe County bonds owned by the Trustees of Meson Academy, a famous private school in Lexington. Although they bore only 6 per cent, he paid a premium on the two together of \$98.⁴⁴ He loaned \$10,000 to Perry-Rainey Institute, a school in Auburn, Georgia, and \$45,000 to Bessie Tift College (later shortened to Tift College), a Baptist school for women in Forsyth, Georgia. Three months before his death, Colonel Smith loaned to Lucy Cobb Institute, a school for girls in Athens, \$30,000 for five years, at 8 per cent interest, payable monthly. There had been strong hopes that he would give this money to the Institute, but probably Colonel Smith was still remembering the ingratitude of Athens and Clarke County shown in his campaign for governor nine years previously. The Baptists came in for further financial aid from Colonel Smith when in 1911 he loaned \$50,000 to the Mission Board of the Georgia Baptist Convention and \$75,000 to the Tabernacle Baptist Church in Atlanta.⁴⁵

In 1892 Colonel Smith entered slightly into the newspaper business, not to promote any political ambitions but as an investment, when he bought a controlling interest in the *Athens Banner* and became president of the company.⁴⁶ In the management of certain railroad contracts which he secured in the 1880's, Colonel Smith combined an investment with work for his convicts. In 1884 he secured a contract to grade part of the Wrightsville and Tennille Railroad in Washington County. He sent down that year eighty convicts, and soon thereafter, having got a contract to grade the same road in Laurens County, he used additional convicts.⁴⁷

Colonel Smith's biggest railroad contract was in 1886 with the Macon and Covington Railroad, which later became the Central of Georgia, to grade the road from Macon to Athens. Before getting the contract for the whole project, he entered into an agreement to supply one hundred convicts and thirty mules, at \$3 a day for two mules and a driver. In securing the contract for the whole length, he had no thoughts of doing all the grading himself. He would sub-let parts of it to others at a good profit. In fact he sold more than half of the distance to be graded, to an Alabama company, Montgomery, Wright & Co., said to be one of the largest contractors in the South at that time. But Colonel Smith in 1887 was still using some of his convicts on the line from Madison to Athens.⁴⁸

Colonel Smith was not a great builder, except for the structures that made up his little hive of industries at Smithonia and his storehouse in Athens. Also little of his energies went into the promotion of business enterprises apart from Smithonia. In 1892 he became interested in the Blue Granite Company, which was designed to quarry some of the vast granite deposits underlying Oglethorpe County and extending into Elbert and Madison counties. He became one of the directors, but the company never amounted to much.⁴⁹ In addition to owning stocks and bonds of oil and fertilizer companies and his own plant at Smithonia, he was one of the organizers of the Clarke County Oil and Fertilizer Company in 1911 and became its president and treasurer, with offices at Oconee Heights (a suburb of Athens) and at Smithonia. Also he was one of the petitioners for charters for the Bank of Crawford, the Citizens Bank at Maxeys, and the Oglethorpe County Bank. He became a director of the last-named bank.⁵⁰

Even the richest men need fluid capital in larger sums than they keep on hand, and in order to make a quick and advantageous trade or investment, they must resort to borrowing. Colonel Smith occasionally found it necessary to borrow money though he generally kept a considerable balance in banks. When he died he had \$95,688 on deposit in thirteen banks. As his credit was good wherever he was known, he found no difficulty in securing whatever amount he asked for. Sometimes he would in a matter-of-fact way have his secretary telephone a bank for \$50,000.⁵¹ He always borrowed from banks, not insurance companies. In his latter days he warned farmers against securing loans on their lands from insurance companies, calling attention to what was happening then, and predicting what happened to a much greater extent after his death: that the insurance companies would soon be owning the land.⁵² He did not live to see his own Smithonia fall a prey to an insurance company.

Some of Colonel Smith's worst financial ventures were with insurance companies. He lost heavily in the Empire Life Insurance Company of Atlanta, in which he held 1,250 shares. Also he lost in two other insurance companies, and in three banks.⁵³ But if his total investments were taken into consideration, it would be plain that he was a keen judge of what to buy and what not to buy. If he had organized an investment trust and issued shares, they would surely have had as high a rating as the investment trust shares that became popular after his death.

How much Colonel Smith was worth, he himself never quite knew, for his holdings were always so diverse as to defy any exact calculations. He knew as well as all of his acquaintances knew that his wealth was steadily increasing. In the 1880's his wealth was rated at from a quarter to a half-million dollars, with an income of at least \$50,000 a year.⁵⁴ In 1890 an editor of a newspaper stated that the Colonel "is now without a doubt the largest and wealthiest planter in the State," and guessed that his income the previous year was somewhere between \$150,000 and \$200,000.⁵⁵ During the early 1890's it was generally guessed that he was worth \$500,000⁵⁶ and near the end of the century a North Georgia newspaper editor said, "Colonel Jim Smith started as a schoolteacher in middle Georgia without a cent. He now owns 50,000 acres of land, works

450 hands and is worth a million dollars. All made in farming on the poor sandy soil of Oglethorpe county. Who says the farmer has no showing?"⁵⁷ This editor and people in general did not know or did not take into consideration that Colonel Smith had many of those one "million dollars" silently working for him, day and night, no less than his 50,000 acres of land—a considerable exaggeration of his land holdings and a vast exaggeration of the acres he farmed.

By the beginning of the new century Colonel Smith's annual income was certainly more than \$100,000.⁵⁸ He himself stated in 1911 that the total value of his crops for the preceding year was more than \$180,000, and that the net value was more than \$125,000.⁵⁹ When he died in 1915, the common assumption was that he was worth from \$3,000,000 to \$4,000,000;⁶⁰ and even the administrators and appraisers were never quite able to agree on the amount.

It was not all profits for Colonel Smith. He had losses other than a few bad investments, scanty crop years, and floods. In 1887 a windstorm blew down one of his buildings, crushing four cream separators, valued at \$300 to \$500 each, several plantation wagons, and a miscellaneous collection of farm implements and machinery. Two years later a three-room kitchen serving a hotel he had erected burned; in 1893 his convict camp went up in flames, consuming the guard houses, commissary, blacksmith shop, and other buildings. The loss was estimated at \$2,000. Fires were becoming so numerous at Smithonia that whenever smoke was seen rising in that direction rumors spread that another of Colonel Smith's buildings had burned. Such a report started in 1893 when smoke was seen rising from burning off a new-ground.⁶¹

Probably the most costly conflagration to visit Smithonia came in 1895 when the ginnery caught fire about 4 o'clock in the afternoon while it was being operated. The fire was supposedly caused by a match mixed with the seed cotton which was being ginned. Consumed were the four-story building, costing \$10,000; four 70-saw gins with all the machinery necessary for their operation, such as presses; a large amount of un-ginned cotton; 125 bales already ginned; 500 tons of seed; a carload of bagging and ties for the bales; and 500 bushels of rye. The loss was estimated at from \$25,000 to \$30,000.⁶²

In April, 1901, soon after midnight, a large barn with stables and sheds filled with feed, burned. There were forty mules in the barn and all were burned except nineteen. The loss was about \$10,000. Two years later a large cattle barn filled with cottonseed hulls burned. The cattle were got out; the loss was about \$2,500. In 1908 a barn filled with hay and fodder and 600 bushels of corn burned, on the very spot where a building had burned the previous year. The causes of most of these fires were never discovered; but some of the later ones were attributed to disgruntled Negro workmen, when labor standards at Smithonia began to deteriorate.⁶³

Though Colonel Smith had been a heavy investor in insurance companies, he never carried insurance on his property. Despite his heavy losses by fire he insisted that they were no greater than the cost he would undergo in insuring his buildings.⁶⁴ There was also the fact that his investments in insurance company shares, most of which turned out to be worthless, may have prejudiced him against insurance.

Colonel Smith was known almost exclusively as a great farmer and it was the common report that he made his fortune in farming—that he dug it out of the ground. Of course, basically his fortune did come out of the ground to begin with; but he dug much of it out of his investments which he made with what he had dug from the ground. Without his auxiliary enterprises grouped around Smithonia and without his skillful investments he would never have become a millionaire. The red old hills of Oglethorpe were not entirely responsible for Colonel James Monroe Smith gaining the reputation of being the greatest planter in Georgia and “the largest diversified farmer in the world.”

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Chapter XIII • THE MAN HIMSELF
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WHAT kind of man was this incredible Colonel James Monroe Smith? Physically he was "a large compact man," weighing about 250 pounds by the time he had reached middle age, and with the years he waxed heavier until he weighed 300 pounds. He was near-sighted, and by the early 1890's there had developed on the back of his neck a large wen.¹ A reporter in the *Augusta Chronicle*, who interviewed Colonel Smith in 1900, said that he had a handsome face. It was "strong, intellectual and forceful," he continued, "and yet a kindly face. And his eyes are beautiful. He is a large and strong man. His large head is mostly covered with grizzly gray whiskers and hair. He wears plain, loosely fitting garments, is absolutely without ostentation, and his home without and within is as plain and simple and as free from all luxuries as almost any farmer's in the land. In fact, if Capt. Smith were to marry—as indeed he ought—I fancy there would be quite a revolution in the region of Smithonia."² He had "a deep bass voice and sometimes" spoke "gruffly, but even in his harshness there" was "the law of kindness."³

In his later life, when "dressed-up" he wore a long black frock coat "several sizes too large," a black sombrero "of unusual width," a black string tie (but often no tie at all as illustrated in his standard campaign picture), white shirt, white socks, and highly polished boots or shoes.⁴ To a University of Georgia student visiting Smithonia in 1893, Colonel Smith appeared countrified.⁵ Also, he appeared so to a horsedealer in Atlanta. Looking at a handsome span of horses, the Colonel asked the dealer what he asked for them. The dealer replied that the price would be more than he would likely want to pay, but that he had a cheaper span in which the Colonel might be

interested. Colonel Jim remarked, "I think I am a better judge of what I want and am able to pay for stock than you are, sir." Whereupon the dealer said he would take \$1,000. Being the trader that he was, Colonel Smith said send them to my plantation and I will make out a check for \$750. The dealer accepted, and remarked that he would "never again size a man's pocket book by his looks."⁶

Colonel Jim was light-hearted; he enjoyed a good story and liked to tell one to enforce a point (but vulgarity he would neither engage in nor listen to); he used many old axioms and historical allusions. In describing Colonel Jim at a barbecue which he attended with other celebrities such as judges, lawyers, and sheriffs, the reporter said that they "pranced around like three-year-olds in a barley patch."⁷ While his young friend Frank Holder was visiting him Frank one afternoon "appeared arrayed in a biled shirt Sunday-go-to-meeting clothes, and his hair greased and combed." On learning that Frank was going out that afternoon to call on a young lady, Colonel Jim advised him that he would "show to much better advantage in the dark than in broad day light."⁸ Colonel Jim liked to tell this story on an old Negro who came to him to buy a mule. The Colonel showed him a bay and a sorrel, whereupon the Negro asked, "Marse Jim, which of them mules you axes the most fur?" Jim replied, "Harry, which of the two mules do you think the most of?" The Negro said, "I think mostest uv that sorrel mule on the left." Jim replied that that was the mule that he was asking more for, whereupon the Negro moaned, "Dis nigger has talked too much!"⁹

To enforce a point he was making one time, Colonel Jim used the story of the blacksmith who kept his accounts on a slate. By accident the accounts got rubbed off the slate and the blacksmith restored them as far as he could remember. Upon his wife asking him how he had come out, he replied "first rate," and explained that he "didn't have quite as much charged as before, but it was on better men."¹⁰

Colonel Smith was an easy talker and voluble, but no braggart. In fact he would tone down what he considered exaggerated accounts of his plantation activities and his own accomplishments—he was not a vain man. A visitor from Atlanta declared that he was "one of the finest conversationalists we have ever met."¹¹

An old lady who knew him most of her long life said, "I never heard him curse"; but he came close to it in publicly defending himself against charges of cowardice. Colonel Smith, as with many others of his day, had the strictest code relative to any act that might brand him as a coward. In 1893 a rumor was passing around on the streets of Athens that Colonel Smith had been horsewhipped by one of his employees. The editor of the *Athens Banner* asked him for a statement of the facts. In a biting and bitter reply he used a torrent of language to describe the unmitigated rascality and utter depravity of anyone passing such rumors around, and offered a reward of \$100 for information on who started the slander. Reciting some of his record as a good and respectable citizen, he was utterly unable to understand why anyone would want to so malign him. "The report was manufactured by some mean, low, vulgar, ignorant, worthless, lying cur," he continued, "who is totally and wholly destitute of honor, principle and truth, or any other trait remotely akin to them." Such a person was "too mean to be a forty-second cousin to a Comanche Indian. . . . I ask myself the question, am I living in a section of country where vice and ignorance have full sway, where truth and honor live only in name, where character counts for naught and slander is a sweet morsel to be rolled under the tongue of everyone. [If] some silly fellow should undertake to castigate me with a whip I would most assuredly pursue him like a wild beast with an Enfield rifle until death closed the scene.

"If a dog of mine, in an unguarded moment, should descend low enough even to smell of one of them I would kill the dog dead upon the spot, to prevent further contamination."¹²

One who knew well Colonel Smith for forty years and lived in his home for months at a time assessed his nature in these words: "He is never in a hurry or excited, but there is a firmness and determination about him that commands obedience and respect. But it won't do to measure swords with Col. Smith unless you are prepared for death-struggle, for he is a man who never yields a point when convinced that he is in the right."¹³ Yet his answer to the whipping story and to charges of immorality made in the gubernatorial campaign indicate that when under great moral indignation and provocation he became excitable, at least in his language, as picturesque as it might be. And though he might ask just what kind of a country

he lived in which permitted such slanders to be passed around, he was by nature an optimist. For example, in 1890 he predicted that the town of Athens would soon have 50,000 people in it and that city property would within five years be worth five times its present value.¹⁴

Colonel Smith had a memory for names and details that almost surpasses belief, though commonly attested as an absolute fact by many people who had occasion to know. When he had a thousand Negroes on his plantation, he knew the names of every one of them more than eight years old, and even many of the younger ones who had been named. When he had four hundred mules he knew every one by name, and that was likewise true of his two hundred milk cows—"and though it may seem unreasonable, it is a fact that he knows every one of them by name," averred editor Shackelford of the *Oglethorpe Echo*.¹⁵

Colonel Smith never drank liquors or alcoholic beverages, and he kept such liquids away from his workmen as far as he could.¹⁶ He enjoyed a good cigar (and all cigars with an habitual smoker were good), but his favorite brand was "Old Virginia Cheroots." He liked them not because they were cheap but because he enjoyed their flavor, a taste no doubt acquired when he was unable to buy better ones. He always supplied higher priced cigars for his guests.

Colonel Smith was "not a religious man,"¹⁷ although he attended churches occasionally. It was said of him while in the legislature that "while not a member of any church," he was "a strong advocate of churches and of Sunday-schools, giving liberally of his means to them all."¹⁸ He felt, no doubt, that good works were worth more to him and to his fellow citizens than any amount of mere church attendance. The Smith family back in Wilkes County was of the Baptist persuasion, and Colonel Smith did not forget that fact in the various loans he made to Baptist churches and schools.

Colonel Smith was "intensely human and full of sympathy for human nature,"¹⁹ and considerate of the interests and feelings of others. It seems that he had misjudged in some affair Colonel David Crenshaw Barrow, another large Oglethorpe County planter, and in a letter of apology he said that "perhaps it was imprudent in me to have done so but I assure you I always entertained for you the highest respect and since I have become

better acquainted with you my respect has deepened into confidence."²⁰ Sometimes his kindness of heart may have slightly over-topped his good judgment, and certainly this fact and "his great kindness to poor people and every one in distress" had much to do with his "wide-spread popularity," as adjudged in 1887. The occasion of this observation was the aid he gave some Madison County men in the hands of a Federal officer who charged them with "moonshining." Colonel Smith immediately went on their bond.²¹ And in 1912 in reassuring a person who had bought land on which the Colonel had a mortgage, he said, "while I am not committing myself one way or the other, it is my opinion that none of those who bought land from him [the mortgagee] on which I have a mortgage, will lose anything."²²

Colonel Smith was described in 1893 as "very genial and social . . . an educated gentleman capable by nature, education and experience to fill any position in business or politics."²³ And a dozen years later these comments were made about him: "Some pretend, or may honestly think he is uneducated. Some think, or want to think he has been very stingy, penurious and lucky to have accumulated so large a fortune at farming.

"He has always been a reader, a thinker, and is well posted and well versed in every branch of business."²⁴

He had a library of two hundred books. He was especially interested in history, and he could talk by the hour about such characters as Napoleon and Lincoln, and Julius Caesar. He read the historical works of Macaulay and Gibbon, and knew his way around in literature and mythology; he might refer to Prometheus on the rock or to what Dean Swift said. He had an ear for music; though knowing nothing about its intricacies he enjoyed the soothing effects of its melodies. He had a pianola ("player piano") and in 1910 he added to his music room a "piano of the finest manufacture," which his lady guests might play; and on occasions he employed a male piano player.²⁵ He always kept up with the current scene, politically and economically. As the editor of the *Jackson Herald* summed him up in 1905: "He is one of the best posted men on economic questions we know of anywhere. He has a big brain and a big heart, and it will be impossible to separate his name from the history of this state."²⁶

Colonel Smith was looked upon by many of his contemporaries as a great man, "a Napoleon of a farmer" with "more natural brain force than any man we have ever seen," said G. F. Hunicutt, editor of the *Southern Cultivator*. And he continued, "We do not know any man who is as little understood or who has been as much maligned."²⁷ He gave it as his considered judgment that Colonel Smith was "one of the greatest men the South has produced."²⁸ Other expressions of Colonel Smith's greatness, made by his contemporaries during his lifetime (not eulogies after his death): "certainly a most wonderful man, such as are not produced in every century";²⁹ "one of the most remarkable and greatest men that either Georgia or the South has ever produced";³⁰ "without doubt the brainiest man in Georgia, [with] an iron will and determination, that makes a success of whatever he touches."³¹ Colonel Smith was a genius, born so: "a great poet, or a great general, or a great farmer, is born with extraordinary gifts."³² More than forty years after Colonel Smith's death, one of his young part-time secretaries, remembered him thus: "Jim Smith was a great man and I had tremendous admiration for him. Working with him was a rich experience for me and I have profited by it ever since."³³

When Colonel Smith first started farming he boarded with a neighbor, but soon he fixed up a one-room house, whitewashed with an outside chimney—not as large or as well apportioned as his tenant houses of a later time. By the 1880's he had selected a commanding site on his growing estate, where he erected a "neat white cottage."³⁴ Describing the view, a visitor said, "I have seen few prettier sights than I saw from his front porch steps. From this point there was a radius of nearly two miles in all directions in plain view. The land itself seemed absolutely to be fat."³⁵ To make the view as attractive around his house as it was from a distance, he employed a floriculturist to landscape his yard and to set out a flower garden, which led to this remark: "If it is in keeping with the balance of his big farm it will cover acres."³⁶ Before the end of the century he had developed on the spot the house in which he was to live for the remainder of his life—"a commodious and somewhat pretentious building,"³⁷ but not the typically Southern plantation mansion. It was two stories and had the typical front porch extending the length of the house, with eight slim square columns running to the porch roof. There were two small bal-

conies reaching out to each of two sets of the columns. Almost against the house he had built a brick water tower surmounted by a tank filled with water pumped up by a hydraulic ram.³⁸ There were a basement with a fire-proof vault and twenty rooms in the house, "all finished up, not only in good, but costly style." It was lighted by electricity and acetylene gas and was heated by steam as well as by open fire places.³⁹ It had hot and cold water in every room, all "elegantly furnished," according to a visitor in 1906, who added that "a pianola produces the sweetest of music, and luxurious chairs and lounges add to the comfort of the frequent visitor."⁴⁰ Another guest, who apparently had not traveled far beyond his Lincoln County home, declared that it was "the best fixed up country home in the south." He said that the pianola had cost \$1,000.⁴¹

For his office equipment Colonel Smith had four iron safes, two typewriters, six desks, four revolving office chairs and seven oak office chairs, an office clock, scales, and letter files. Other furnishings of interest in his house included fourteen rustic porch rockers, eight upholstered parlor rockers, fourteen cane bottom chairs, twelve dining room chairs, a refrigerator, a lady's writing desk, and a combination writing desk. And of course there were the customary furnishings for bedrooms, kitchen, and dining room.⁴² Colonel Smith valued his home in 1911 at \$25,000.⁴³

With such a lay-out as this, it was only natural that he should have become famous for his hospitality. "His house is always filled with friends," remarked a frequent guest, "and there is not a more hospitable man in the South than this great Georgia farmer."⁴⁴ Another visitor declared that Colonel Smith was "one of the most hospitable, clever and polite men it has ever been our pleasure to meet." A view of the plantation from a carriage "drawn by a span of splendid bays," was followed by a sumptuous supper and hospitable entertainment, and after "enjoying a good cigar and taking a drink—of water—we retired for the night."⁴⁵

His hospitality in showing visitors over his plantation was probably exceeded by the hospitality of his table. Said one who had been there often enough to know, "His hospitality is unbounded and his table is always filled with guests."⁴⁶ He always kept ten places set for visitors, never knowing who or how many would be his guests at any time, with the exception of

one old countryman who made it a habit to visit Colonel Jim every Sunday for dinner and to sit and rock on the front porch. A visitor from Hawkinsville arrived and found that five of Colonel Smith's neighbors had happened in on him that day for dinner, and all spoke "most kindly of him."⁴⁷

The food Colonel Smith served was country style, country cooked, and country raised (all on his plantation). Among the dishes of an ordinary supper in the winter were beef steak, country ham, batter cakes, hot biscuits, preserves, and syrup. In the summer there were, of course, a variety of fresh vegetables. A visiting University of Georgia student had for breakfast in May, 1893, fried chicken, bacon, cornbread, strawberries, coffee, milk, and butter.⁴⁸ John N. Holder, a son of Colonel Smith's old friend in Jackson County, said that he had never been "treated more hospitably or kindly in all our life by anybody. Colonel Smith knows how to make folks feel at home about him, and he knows how to set a tempting meal before one." On this occasion there were only two things on the Colonel's table which he did not raise—salt and pepper.⁴⁹

At times his entertaining got in the way of his business duties. He noted in a letter to one of his friends that he was behind with his correspondence as "I have been entertaining a good many visitors from various parts of the country."⁵⁰ In arranging, in May, 1909, for a visit of two young ladies, daughters of an old friend in North Georgia, he cleverly informed them that this was the time of year when he was very busy with plantation operations, and that he could not give them a great deal of personal attention but he had arranged for them "to visit the neighbors and surrounding towns and villages." He wanted them "to make yourselves at home when you come and feel that you are among your friends."⁵¹

Everyone was welcomed at Smithonia; there were no distinctions. People "of all classes from all sections of the country" were "constantly visiting him."⁵² It was the feeling of one visitor that "The hospitality of his home is very much the same as that of the late Gov. A. H. Stephens—unostentatious, easy and gracious—a 'liberty hall' to all guests and friends."⁵³ A Baptist preacher, an old acquaintance of the Colonel's, said, "The amount expended in entertaining his guests would amount to a large fortune. No man in the state, now or at any time in the past as far as my knowledge goes, has dispensed so much general hospitality to the rich and poor alike."⁵⁴

By 1889 his reputation for hospitality led a reporter to say that Colonel Smith was "frequently visited by the most honorable and distinguished guests of any man in Georgia. Gentlemen in the highest positions of all honorable professions; the most reputable gentlemen in all branches of business; men of the highest types of education and learning; men of arts and science come from different sections of Georgia and other states to spend a few days with the Colonel, to listen to his instructive conversations, to ride over his extensive farms and view with admiration the scientific and systematic manner in which they are conducted and then pause with profound wonder how one man, or one mind, can engineer so many things with such crowning success." He had "*a noble heart and a powerful mind.*"⁵⁵

To enjoy a day at Smithonia was an item on almost everyone's calendar, and no one felt that an invitation was necessary. A group of Athenians drove down one morning, unannounced, and they "had never sat down to such a country dinner. Everything that could be raised on the farm was on the table, cooked in the best style." After dinner Colonel Jim took them to his watermelon patch where hundreds of melons were ripening, many weighing ninety pounds apiece. Then he said to his guests, "Come down to the cowpen, and I will show you my cows." After they had seen ninety-five milk cows and the dairy equipment, Colonel Jim remarked, "Let's go over to the pasture, and I will show you a few cattle that I raised." There the visitors saw eight hundred fine steers grazing on "a thousand acres of the finest grass that can be raised." To the hog pen next, to see two hundred swine being fattened for killing in the fall. Then came the "turnip patch, that covered one hundred acres"—none too much for all the hands he had to feed. They went on to view the cotton field—"Our mind is not large enough to grasp the number of acres." With the excellent guidance of Colonel Jim they greatly enjoyed the day, and the member of the party reporting the trip, after seeing the immensity of the Smithonia plantation, was reminded of the fellow who "wanted Mississippi and Louisiana for his cotton patch, Arkansas and Missouri for his corn field, and Texas for his calf pasture."⁵⁶

But all guests did not come unannounced. Colonel Jim frequently invited people to come for dinner or for a few days or even for a year or two—some of his guests stayed that long.

In 1894 he invited editor Shackelford of the *Oglethorpe Echo* with his family and two other ladies, who were met by Colonel Smith's train at Dunlap and brought to Smithonia. After showing them the sights, the dairy, the convict camp, and various other Smithonia enterprises and fields, the Colonel entertained his guests at dinner. Editor Shackelford "watched with interest to see how ladies would be entertained in his bachelor abode. Like he is in everything else he was fully equal to the occasion, and no hostess could have entertained better."⁵⁷ Some years later he gave a large barbecue dinner in honor of some house guests from Dewey Rose. His invitation list was extensive, including such distinguished Athenian ladies as Mrs. M. A. Lipscomb; Mrs. M. R. Welch; Mrs. Frances Long Taylor, a daughter of Dr. Crawford W. Long; and Miss Mary Erwin, a daughter of Judge Alexander S. Erwin.⁵⁸

People visited Smithonia not simply to enjoy the Colonel's table and to be conducted over the plantation as sightseers, but many came for the instruction they would receive by seeing how Colonel Smith ran a great plantation. They came from many parts of Georgia, from South Carolina, from states in the North, from Canada, and from Egypt—and even from Texas. A big farmer from Morgan County declared that a visit of a week at Smithonia "would be worth more than a year's course in any agricultural college." A group of South Carolina farmers came over to Smithonia in 1903, and one of them remarked that he would not take \$1,000 for what he had learned. Colonel Smith became well known across the Savannah River, and some hope was expressed there that he might move to South Carolina, where he would be welcomed "with her every brass band and pyrotechnic display."⁵⁹

Colonel Smith was much interested in young people, and he liked to have them visit him that he might advise and entertain them, for they were the coming generation who would soon take over the management of affairs. In July, 1899, a large party of boys and girls with their chaperones held a picnic in the large grove at Smithonia House, where Colonel Smith joined them; and when the main courses were over, he invited them into his house for fruit. They were then given a ride over his railroad to Five Forks and to all the industries on his plantation and to his convict camp, which they thought was "a model one."⁶⁰

To visit Smithonia was almost a part of the curriculum of the agricultural students at the state University. In March, 1903 a group went over to Smithonia and seated in a tally-ho drawn by four horses they were shown the plantation. And a little later in the spring, a party of University students and two hundred young ladies from the State Normal School in Athens visited Colonel Smith, "all of whom were charmed with his perfect system of farming, and his wonderful and complete control of labor."⁶¹ It became an annual event for the State Normal School girls to visit Smithonia, a sort of pilgrimage to see their benefactor who had aided in the construction of their Science Hall. In 1903 the summer school students at the University were given an excursion to Smithonia. Occasionally a lone student from the state University would visit Colonel Smith for a few days.⁶² John A. Sibley of Milledgeville after a stay of several days at Smithonia, in February, 1906, wrote his father, "I can answer any question except one, that is, what is not on Colonel Smith's place."⁶³

Newspaper editors visited Smithonia to get stories about the amazing Colonel Jim and what he was doing; editors too busy to go, sent their reporters.⁶⁴

Dr. John Hamilton Brunner, Colonel Smith's old professor at Hiwassee College and its president for many years, frequently visited at Smithonia.⁶⁵ In 1890 a Mr. E. F. Oates from Canada made a visit to Smithonia and was amazed at what he saw. If Colonel Smith had kept a guest book, he would have acquired a collection of signatures which would have had a considerable market value in later years. George Foster Peabody, the Georgia-born New York capitalist, with a party of a dozen or more ladies and gentlemen from Athens—two millionaires whose wealth was got in very different manners, hobnobbing together; Mrs. Helen Dortch Longstreet, the widow of the Confederate General who came up too late at Gettysburg, wanting Colonel Jim's help in saving Tallulah Falls from the grasping hand of commercialism; a group of Georgia Railroad officials in their private car, testing out Colonel Jim's railroad, and, no doubt, bent on making friends with another railroad president, whose railroad was not as long as the Georgia Railroad but was just as wide—these and many more made their way to Smithonia.⁶⁶

Another private carload of railroad magnates and millionaires of various and sundry interests, but all anxious to see Smithonia, arrived soon after Colonel Smith had opened up his seven-mile Smithonia and Dunlap Railroad. They were from New York and Pennsylvania, traveling to Florida on a hunting and sightseeing trip: the General Manager of the Allegheny Valley Railroad, in whose private car they were traveling; the Proprietor of the *New York Ledger*, who was president of the National Scotch-Irish Society, and a horse fancier; the owner of *Turf, Field and Farm*; a Pennsylvania state senator; and a Pittsburgh millionaire, who was trying to spend his money. They found Smithonia more interesting than any other sight they had seen so far on their trip, and after staying for two days they passed this collective judgment on the Colonel and his enterprises, money-minded as all Yankees were supposed to be: "At the end of the season the Colonel has pretty much all of the surplus cash of the neighborhood."⁶⁷

To cap the climax of all the visitors to Smithonia, there came in August, 1893, a Pasha of Egypt in the service of his master the Khedive. He was Osman Pasha Maher, who spoke only Arabic, and he was accompanied by J. Picton, an Englishman, who was inspector of the state domain, including the Khedive's 240,000 acres of cotton plantations, and who had been in Egypt for the past twenty-four years. The initial impetus that started them to America was the desire to visit the World Columbian Exposition in Chicago; but it soon developed that their greatest interest was to see how America farmed, especially in raising cotton. In Washington they fell in with Charles Frederick Crisp, an English-born Georgian, who was at this time Speaker of the National House of Representatives, and he immediately directed them through a letter of introduction to Clark Howell, to visit Colonel Smith's plantation. Indeed, two wise men from the East were coming to Smithonia to become even wiser, and as the newspapers had it: "Truly royal feet trod on Oglethorpe soil Sunday and Monday."

They arrived at Five Forks over the Georgia, Carolina, and Northern Railroad (later Seaboard) and were met by Colonel Smith with his passenger car and taken to Smithonia, the Colonel being "one of the few farmers in the world who can have a passenger train of his own meet his guests at the station and ride them for miles through his own land to his home." With

great affability he made them feel at ease immediately. Negro boys were as thick as hops serving "his highness" to the last detail, suggesting no doubt the Pasha's own Egyptian serving boys. One brought out a platter "heaped with such grapes as are shown in pictures of the spies returning from Canaan." Then a procession of boys brought out watermelons, which were immediately cut and the guests served. The Pasha was much attracted by the melons, which were much larger than those grown in Egypt; he wanted seeds to take back with him. Soon there came a hard downpour of rain, which attracted the Pasha even more, for it never rained in Egypt. With the rain over, and a burst of sunshine brightening the landscape, the Colonel ordered out the carryall and with his colored retainers following, they set out to see the plantation. After viewing cotton fields and methods of cultivation, they visited fields of cowpeas, which Colonel Smith explained were eaten by people, fed to stock, and plowed under to enrich the land. The Pasha was much interested and requested seeds to take back to Egypt. They viewed the other growing crops. On the second day they visited the various factories and other enterprises. The Pasha said there were no oil mills in Egypt.

After two days of seeing everything at Smithonia, the Pasha and his interpreter Picton, loaded down with watermelon seed and cowpeas, set out for Egypt, going direct "from Oglethorpe to Egypt, from Lexington to Cairo, to report to his royal highness," on what they had found out as a remedy in reducing the Khedive's debt of \$40,000,000. The two wise men returned, indeed, wiser, for they had learned "that with thrift and enterprise the Georgia farmer is a model of success, and that one James Smith, of that province, is a monarch without debts."

The Pasha "was greatly pleased with his visit and appreciated very deeply, indeed, the hospitality and interest of Colonel Smith." They agreed to exchange the seeds of their respective countries, and Colonel Smith received letters from the Pasha later asking advice and information on various agricultural subjects. The Pasha invited Colonel Smith to visit him in Cairo.⁶⁸

Smithonia became a favorite spot for people from a half dozen surrounding counties for picnics and barbecues; and whether the occasions were being promoted by Colonel Smith or not, people were welcomed to come and bring their baskets

and spread their tables in his grove—and generally before the affair was over the Colonel appeared to give a personal welcome and probably add to the food supply and to offer what most of the picnickers and barbecuers expected, a free ride on his train over his plantation. Such groups as Sunday-school picnickers were met by his train at Dunlap or Five Forks and given free passage to the groves of Smithonia. In 1906 a group of youngsters came to spend the day at Smithonia; after the picnic they engaged in music and dancing, ending the day's festivity with a free trip to Colbert (old Five Forks) with a Coca-Cola party provided by the Colonel. Returning to Smithonia House, they were given a hearty handshake and a parting smile. On a Sunday afternoon, during watermelon season, parties of visitors would drop in, from as far away as Athens, and a watermelon cutting would follow.⁶⁹

In the 1890's barbecues came to be a great social institution in the rural sections, bringing people together from places many miles apart. They were got up by leaders in various communities joining together, and everyone was invited without regard to race, class, or creed. In June, 1893, such a barbecue was held at Smithonia, organized by various leaders but largely managed by Colonel Smith. This was to be the get-together picnic and barbecue for a half dozen counties. The Colonel gave half-fare on his railroads from Dunlap and Five Forks to Smithonia, but on account of the inconvenient schedule of trains running to Five Forks most of the people came from Dunlap on the Georgia Railroad—and consequently the crowd was not as large as had been expected, and it seems that no colored people attended this picnic. Colonel Smith "received his guests with that ease of manner and hearty cordiality peculiar to him which makes his guests feel that all that is his is freely at their disposal. He turned over to them his big plantation, together with his railroad trains, and not a door was barred or gate latched, even to the penitentiary, to any who cared to inspect the many interesting sights and industries on his place." And in Smithonia House, "Every door was thrown wide open and everybody was welcomed and made to feel entirely at home."

When dinner time came, the many baskets were emptied on the long tables in the Grove, but that was not all: Soon a one-horse wagon load of food came from the Colonel's kitchen, to

the entire surprise of the crowd. And in the words of a participant in this feast, "He had gallons of snap beans, onions, potatoes, English peas, and the like prepared in the height of the culinary art, and plenty of delicious pone bread to go with them; a pile of boiled sliced home-cured ham that looked like extravagance with meat at the present prices; a half bushel or more of superb light biscuits from home-raised flour, pones of light bread as fine as was ever baked, good old fashioned peach pie as long as it would stay on the largest turkey dish we ever saw, a pile of apple pies stacked a foot or so high, and pickles and custards and cakes of many different kinds in almost endless profusion." And when the Colonel said 'come up and help yourselves,' it made all feel as if the whole layout belonged to them." It was voted "one of the most enjoyable, as well as interesting and instructive, occasions of the kind ever attended." There was unbounded praise for Colonel Smith "for his lordly hospitality and his eminently successful efforts to make the day a pleasant one for the party. Its memory will not soon die in the minds of those who participated in its pleasures." One from the little town of Maxeys reported that it had been "a day of pleasure . . . and a rare treat to all who attended," and added that "the crowd was a good one, a jolly one and a good looking one. Col. Smith spent the whole day in trying to make all have a good time. Several excursions were run down to the camps free and one to Five Forks on the G. C. & N. R. R. Never did we enjoy a day more."⁷⁰

As enjoyable as this picnic was, it lacked much in being the largest gathering ever to be held at Smithonia. The next year about fifteen hundred people, white and colored, enjoyed a barbecue in Colonel Smith's groves. Some days previously cards had been sent out to every post office in the county, inviting all to come. Of course it would have been practically an impossibility to send cards to everyone in the county, but those who did receive cards were asked to pass the invitation around: "Everybody and their friends and hands" were invited. And a general invitation was given out to people in the surrounding counties to come. Seventy-nine hogs were barbecued; "wash pot after wash pot full of hash" was prepared; two large two-horse wagon loads of bread were brought out, supplemented by loaves supplied by neighbors; and the feast ended with several hundred watermelons. After the white guests had eaten

their fill, the colored guests were invited to come up, and after they had eaten to their satisfaction, there was still enough victuals left to feed several hundred more people.⁷¹

Although picnics and barbecues were held in various other places in Oglethorpe County (and throughout Georgia, for that matter), Colonel Smith's grove was a favorite spot; for when held there, whether the Colonel had organized the gathering or not, he always contributed liberally both in food and in sightseeing trips over his plantation with free rides on his railroads.

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Chapter XIV • DEAD AND BURIED
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AS COLONEL SMITH saw his acres, enterprises, and wealth grow, he became more and more involved. He had put together something that only he could control, and in the course of time it took control of him, more and more, until he became its slave. Finally, like Frankenstein's monster, it crushed him, and itself flew apart after his death.

He dared not take out time to travel and enjoy the pleasures made possible by his wealth; he could not let go the reins of the Chariot of the Sun to a Phaethon, knowing what happened in that old Greek myth. He was not to know many of the luxuries of life which his wealth might easily have given him; but, as was said of him, "While never spending a dollar on luxuries or pleasures, and making every cent count, Colonel Smith was not a miser, nor did not hoard his money to look at and count, but he loved power and knew that wealth would bring him power."¹ And in a modest disclaimer of having any special powers, he said, "I don't think I have done more than others should have done under similar circumstances. I have stayed at home and attended to business, stuck to it through sunshine and storm, tried to work up to certain plans ahead of me. I made up my mind early in life not to drink whisky or other intoxicants, and I have never done so. I also resolved to steer clear of immorality and have done so. These two rules are necessary to success, and no man can truly succeed without observing them. In my life there has been but little frolicking around. I have always believed in the efficacy of churches and schools, and that people are made better citizens through them."²

Colonel Smith in his late life said that he intended to get his affairs in shape by reducing his holdings through sales of

some of his plantation lands and closing some of his manufacturing enterprises, and "travel first all over America and then Europe."³ Although Colonel Smith was not intending to act along these lines as early as 1894, yet in that year a "syndicate of rich Western capitalists," having heard about what went on at Smithonia, made a visit there with the idea of buying it.⁴ For years the rumor had gone around that Colonel Smith was about to sell his plantation, but again there was nothing to it.⁵ By 1903 he was beginning to think more seriously of reducing his farm operations "so that he could have time to visit around among his friends, travel over his country and enjoy the pleasure of life."⁶ There was developing the feeling that large farming operations were coming to be less rewarding than smaller farms, run either by owners or by selected tenants. An observer said in 1900, "No little man can run with a success a big farm. Little men need little farms. It's only big men that need big farms."⁷ And Colonel Smith, not inferring that he considered himself a big man, was coming to the conclusion that even big men sometimes needed little farms.

Foremost of his problems was labor. The chief labor supply was Negroes, and only the more worthless of them were still available (and only the dross of the white laborers, too, was left) for "Vast numbers of farm laborers have left the farms and obtained employment at the saw mills, turpentineing, building new railroads, at mining coal and iron ore, burning brick, and erecting manufacturing plants of various kinds."⁸ Rather than contend further with the kind of labor that could be obtained, he thought it best to sell off small tracts of his plantation or rent to responsible people. He would not depend alone on the regions around Smithonia. He thought that an excellent class of people from Pennsylvania, New England, even from Germany and other European countries, might be attracted to Georgia, to take up not only his land but also the fragments of other large plantations which were also being reduced in many parts of Georgia, as well as much land that was lying idle all over the state.⁹

It was the Colonel's intentions to sell or rent all his estate except about 2,000 acres around Smithonia House, which he would keep permanently to provide employment for his faithful old workmen. He had real estate agents in charge of

sales, one of whom in 1903 said he had twenty families interested in buying small tracts. This agent said that he hoped to bring over from South Carolina a number of families and also some from Pennsylvania.¹⁰

Not depending entirely on real estate agents, Colonel Smith ran advertisements in the newspapers of the surrounding country, announcing that he would sell off part of his land in Oglethorpe and Madison counties, on terms of one-fourth of the purchase price in cash and the balance within a year, in sizes of tracts to suit the purchasers. The land was in a high state of cultivation, terraced and ditched, and he was sure it would double in price within the next twenty years. "No better farming land in Georgia," he affirmed.¹¹

This advertisement did not bring him many purchasers, but in 1907 he rented a hundred acres to some families from Rabun, Habersham, and other northeast Georgia counties; and he was so pleased with them that he intended to go on a scouting trip to that region in the fall. His special plan with them was to bear half of the expenses and receive half of the produce, which would be principally cotton and corn.¹² Colonel Smith was such an inveterate trader that during these years he actually bought more land than he sold.¹³

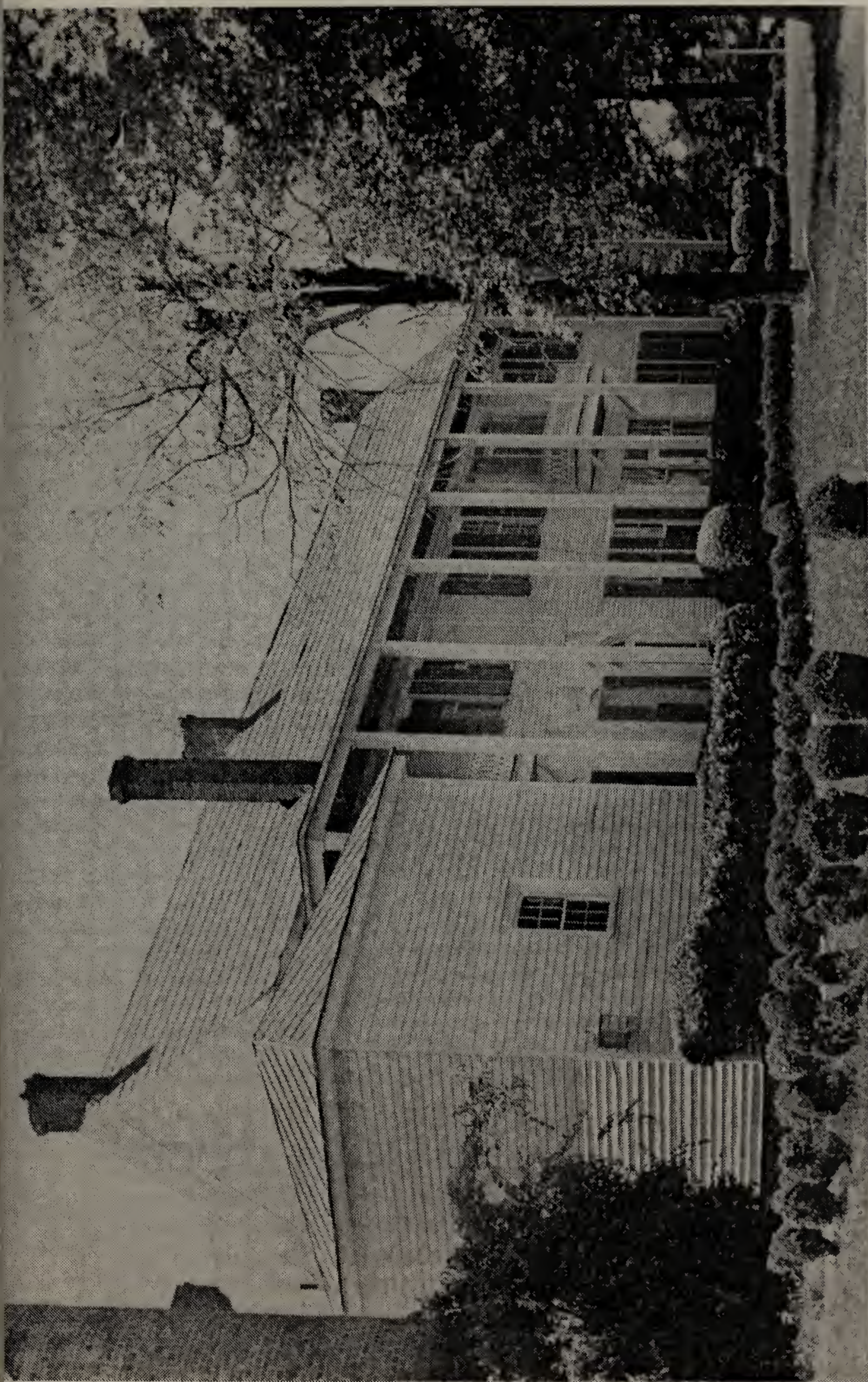
Finally by 1911, Colonel Smith had come to the conclusion that he did not have many more years in life left, and at that time he placed on the market his whole plantation, including everything—Smithonia House, railroads, manufacturing plants, cultivated fields, meadows, timber land, everything—7,500 acres in all. Of course this offer did not include his other property in other parts of the state, land, buildings, and so on. He was giving up his great Smithonia establishment for no other reasons than "age and health." If he were only forty, instead of almost twice that age (being now seventy-two), he would not sell this property for a million dollars. Although he stated no price in the little brochure which his real estate agents sent out, he said that what he would accept would hardly pay for the improvements which he had made on the land. His poorest land was worth \$40 an acre, and his best would be cheap at \$100 an acre. Any good businessman could make it pay for itself within six years; but he would give this sound advice, that this property should be "managed on business principles and in a business way," and if this were

done there was hardly any "piece of property in Georgia that will equal it for profit."¹⁴ To buy and manage this property was too big an undertaking to attract a purchaser; though it was viewed and purchase considered by people as far away as by a prominent seedman from Rochester, N.Y., who thought it might be turned into a seed nursery.¹⁵ But as there was only one Colonel Jim Smith in the United States, he continued to own the property until his death four years later.

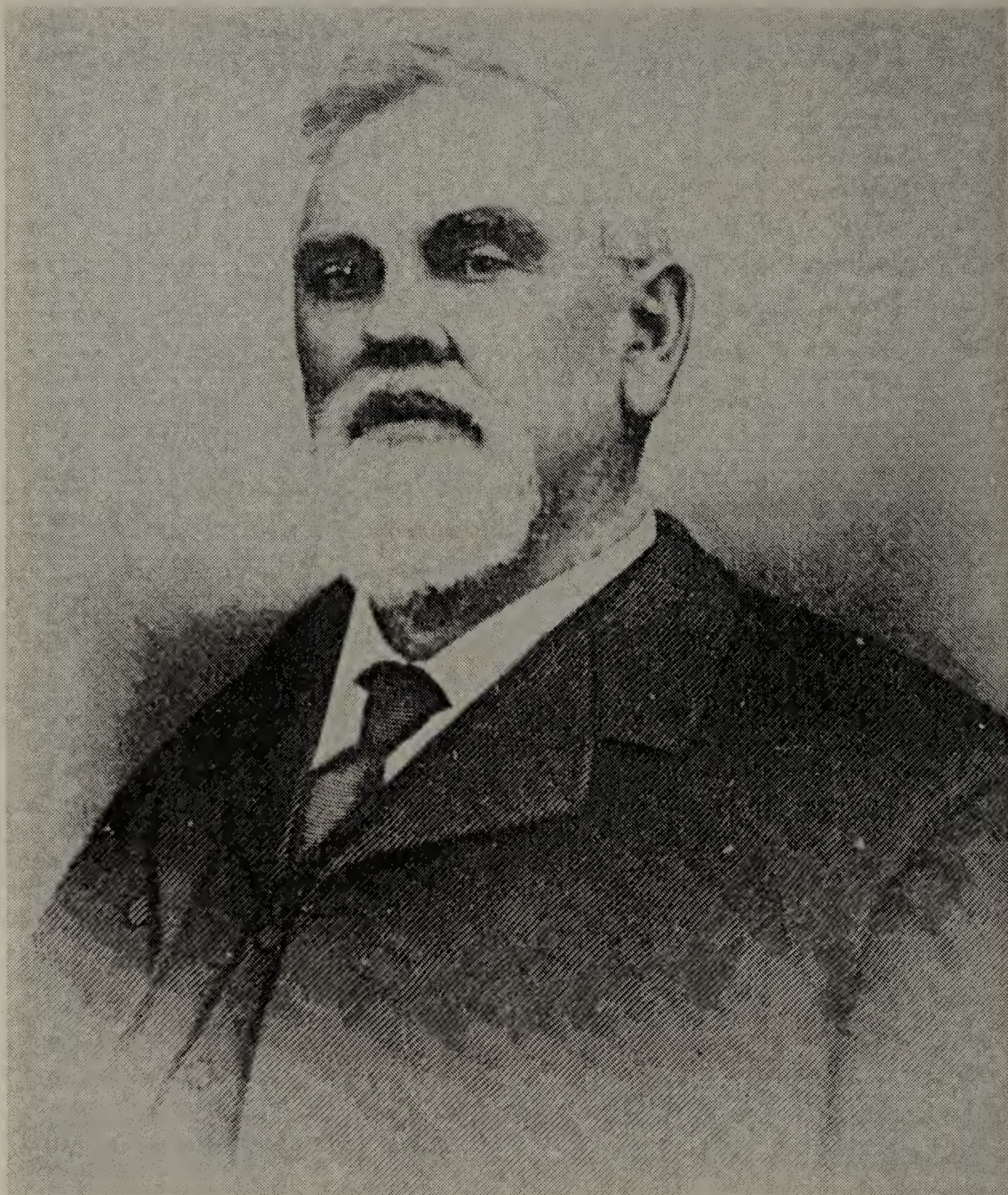
Had Colonel Smith possessed a wife he would no doubt have been led to travel and see more of the world; but as a close associate said, he "never loved but one woman, and she married another, . . . [and after] this early disappointment he gave his entire attention to business, and determined to make a success in that noblest and most honorable of all callings, agriculture."¹⁶ In 1899 it was reported that he was "a bachelor of the most straitest sect of the bachelors."¹⁷ Speaking of bachelors, he said that "a bachelor either went to the dogs or made a success and he intended to do the latter."¹⁸ Though bachelor he was, he wavered in his determination to remain one all his life. One day in the summer of 1875, he was interviewed by a reporter on the streets of Lexington who described him as "a gentleman of more than ordinary intelligence, about 35 years of age, but still on the bachelor's list, and anxious to marry."¹⁹

Colonel Jim's friends were anxious for him to marry, and every little sign or rumor that he was drifting in that direction was gleefully seized upon as almost an announcement of his wedding. In 1888, when he was having his yard landscaped and a flower garden set out, it was reported that he was preparing to bring in a wife.²⁰ In the campaign of 1905-1906, he definitely promised that he would be looking for a wife if he should reach the gubernatorial mansion; and in that campaign it seems that he had indicated an unusual interest in a prospective bride.

In 1910 it seemed that what people had been looking for, even at that late date when the Colonel was more than three score and ten, was about to happen at last. The Colonel, who heretofore had only one open buggy, four top buggies (with the fringes), two phaetons, now bought a brand-new "E. M. F. Touring Car," and was said to be making trips in it all the way to Wilkes County. Also it was reported that he had bought



SMITHONIA HOUSE IN 1958



JAMES MONROE SMITH ABOUT SEVENTY YEARS OF AGE
From William J. Northen, ed., *Men of Mark in Georgia*

Minutes of Oglethorpe Superior Court

The Court Ordered the Sheriff to empanel the Grand Jury, whom the following persons came into Court and were sworn as Grand Jurors

:viz:

1	Wicks H. Young	Soreman
2	William M. Hill	
3	James A. Broach	
4	Charles M. Whitcomb	
5	Andrew J. M. W. G. H. J.	
6	James J. M. Smith	
7	Wm. W. Wilkins	
8	James J. M. W. G. H. J.	
9	Marshall D. J. Moore	
10	Edward L. Sanders	
11	Josiah W. Patrick	
12	Benjamin D. Taylor	
13	Joseph W. Green	
14	Dread W. G. H. J.	
15	John C. H. Stevens	
16	Robert H. Johnson	
17	William W. Berry	
18	Thomas D. Callaway	
19	Columbus J. Sanderson	
20		
21		
22		

John D. McCarty sworn as Dff of the Grand Jury

Oglethorpe Supr. Court Oct. adjourned Term 1871. It appearing to the Court that the Sol. Gen. is absent. It is Ordered that Hamner & Morten act as Sol. Gen. for this Term and that all his acts be in all respects valid & binding



SMITH'S TOMB IN OCONEE CEMETERY, ATHENS, GEORGIA
Courtesy of C. R. Koch, *Farm Quarterly*

another piano, and was enjoying its music by a hired player, and after strenuous business days, when he retired, his "pillow was softened by strains of music and his dreams . . . made more pleasant from thoughts of the beauty of Wilkes." And now it would "be the nicest thing in the world to have a sweet little lady reign over his house." Had not General Longstreet married in his old age Helen Dortch? In fact, gossip had already announced the name of the lady Colonel Jim was to marry. She was a Miss Sims of Wilkes County, who had accompanied him on some of his campaign trips in that county. She was twenty-five years old and "a most popular member of one of the aristocratic families of the state."²¹

Colonel Jim knew nothing of all these plans for his wedding, until he read about them in the *Oglethorpe Echo*. He informed his old friend editor Shackelford in most emphatic terms, with some evidence of impatience at his lending his columns to such irresponsible rumors, that there was not a word of truth in the story. Shackelford had tried to verify the rumor by communicating with Colonel Jim, but had been unable to reach him. Now he saw what a horrible mistake he had made. With tears in his eyes and trickling down his cheeks, old man Shackelford said that the article in the *Echo* on Colonel Smith "should never have appeared." He now realized "that such an article from every standpoint was wholly wrong. We regret more than we have words to express that idle rumors should have caused such an article to have been published." He assured Colonel Smith "that an inexcusable blunder like this will never be made in the columns of The *Echo* again."²²

In his old age Colonel Smith said that the greatest mistake of his life was the fact that he had never married. And some of his kindred in assessing his life after his death agreed, and believed that had he married he might not have left so large a fortune but that he would have gone much further and been lifted into a world a little higher than the one in which he spent his life.

Though a bachelor, Colonel Smith was neither a hermit nor a person with any of the instincts of one. In the language of the psychologists, he was an extrovert; he liked people; he liked to have company and to entertain; he was a great conversationalist. He never lived alone. Both friends and kindred

were constantly either in his house or living under his patronage nearby. There were his half-brother John L. until his death in 1906, another half-brother George W. until his death, a half-sister Mrs. Mary Jones as long as she lived. Of his other half-brothers, one died in the 1870's and the other moved to Mississippi. Colonel Smith built a hotel in Smithonia and made Mrs. Jones the proprietress. Then there were nephews, nieces, and others of various kinships. It was a little kingdom over which Patriarch Smith presided, not simply of land and buildings but of people. His greatest favorites were John T., a son of his half-brother John L., and another nephew Robert, son of Colonel Jim's half-brother George. All of his half-brothers and his half-sister preceded him in death, as, indeed, did his two favorite nephews. One who attended Robert's funeral, said of Colonel Jim, "I never knew him [to] manifest such deep grief."²³

Although Colonel Smith was strong and vigorous-looking in middle age, he became increasingly heavier until he weighed about three hundred pounds. He always kept little Negro boys to attend to his slightest needs, to bring him an Old Virginia Cheroot or light his pipe, to hand him his hat, to tie his shoes, to rub his feet, and to sleep on a little pallet in his room and awaken him by rapping on his bedpost. He called his little valets the names of presidents of the United States, as for instance when he had guests he might say, "Fillmore, pass the cigars" (and the little Negro knew to pass the best cigars—not the Old Virginia Cheroots).²⁴

Despite the fact that Colonel Smith lived beyond the Biblical age allotted to man, it was a hard tussle for him; for there was scarcely a year in manhood that did not put him to bed for a spell. In 1880 he apologized to a correspondent for not answering sooner—"but have been sick—too sick to write—am up again now."²⁵ In 1891 he was sick with the grippe, and at times his life was despaired of. "His death would be a public calamity," said editor Shackelford.²⁶ Two years later he suffered such pains from iritis that opiates had to be given him, and he was troubled with a stomach disorder. In the previous May he had had a bilious attack.²⁷ In 1896 he was ill with malaria fever in February and in the following June he was taken with a chill in Lexington and had to spend the night there.²⁸

The year 1900 was one of his worst; he was confined to his bed or house almost the whole time, with occasionally two doctors in attendance. In April a report of his death created a sensation in Athens, but it was soon toned down to his "being desperately ill." He was suffering from a "complicated kidney and bladder trouble." Governor Candler visited him, and the *Atlanta Constitution* was preparing to publish his obituary.²⁹

In 1905 his physician would not allow him to make an announced speech at Jefferson, because he had a bad cold which later developed into grippe. And in 1912 he was "quite ill at his home in Smithonia."³⁰ Disease had made many inroads on Colonel Smith's vitality, but in his last years it centered on his prostate gland. Relief became more and more painful until Colonel Smith finally decided in September, 1915, to go to the Johns Hopkins Hospital in Baltimore for an operation. He expected to be gone for only two or three weeks—the management of his plantation weighed heavily upon him. His friend Frank Holder accompanied him and set up an office to look after Colonel Smith's business correspondence. A few weeks were necessary to prepare the Colonel for his operation. In October the surgeons performed the operation, which the Colonel withstood well. As he fretted to get back to his business, the doctors allowed him to return in late November. The operation cost the Colonel \$5,000, but that was of no concern to him, for now he was "in better health than for several years."³¹ Editor Shackelford warmly though prematurely announced in early November that Colonel Smith would be back in Smithonia within a day or two and that he would "probably be in Lexington at least a day or so during the session of court next week and will be warmly greeted and congratulated by everybody."³²

After more than two months away from Smithonia (longer than ever before in all his life), the Colonel pitched headlong into his accumulated business affairs and with equal disregard of doctors' orders he pitched into any food that was set before him. On the morning of the eleventh of December he arose as usual about 9 o'clock and was standing before the fire, giving some business instructions, when he announced that he would then go to breakfast. As he was about to take his seat at the table, he remarked, "I am feeling dizzy; put me on the bed." In great pain he had two doctors summoned, but

within thirty minutes he was dead. As reported by one bystander, Colonel Smith suddenly looked up and exclaimed, "Oh, God! God!" and then said, "And this is the end of it all!" Another reported that "they placed him on the bed, and with the remark, 'Lord have mercy on me,' he passed into the unknown world."³³

His death created almost a sensation throughout the state. Newspapers played up the news with his picture on their front pages, and eulogies came from the high and the lowly. "One of the most remarkable men in many particulars that the century has produced," said editor Shackelford of the *Oglethorpe Echo*. And he added that Colonel Smith's career "reads more like fiction than a reality, and yet half cannot be told nor never will be related that stamped him as a most wonderful man."³⁴ The editor of the Wilkes County newspaper, the *Washington Reporter*, commenting on the death of one of the county's most remarkable sons, said, "The death of Col. Jim Smith removes a picturesque character. He was more than Georgia's largest farmer. He was one of her ablest men. Like all men who accomplish things, he was unjustly accused and abused. He possessed wonderful executive ability, and was possibly the sole head of more large enterprises than any other man in Georgia."³⁵ There were other comments: he was "a strong, rugged Georgian, not without faults";³⁶ he was "one of the most remarkable men in the state, . . . a man of many resources, a master in his judgment of human nature, and a much better man than some have represented him to be."³⁷

A philosophically inclined young Lexingtonian paid this somewhat cryptic tribute to Colonel Smith: "I am saddened by his death—maybe few will be, but I am touched by the knowledge of the old man's passing with mingled sentiments of the sublime, the pitiable and the tragic. Strangely and pathetically grotesque in his life and his death. . . . He was a great man, maybe not what the world calls good, but in the creed of pitiless fate there is no room for blame, and in the religion of sympathy and love no words of censure or reproach."³⁸

Yes, at last, the old man was dead; the power at Smithonia had been turned off and the lights in a thousand windows went out. This great buzzing plantation came to a dead halt. The fields were "bare of laborers, . . . the horses in the barns,

the machinery silent in the sheds. All day, through the rain a procession of mourners trudged from the cabins to the big house to look their last on 'Colonel Jim,' feudal lord over a thousand negroes, baron of vast acres. They had lost their master and their friend."³⁹

At Smithonia House, the Reverend Phillip Watkins Davis, a Baptist minister, beginning at two o'clock in the afternoon preached for one and one-half hours to about 3,000 people the funeral sermon. As a hearer remembered the occasion almost half a century later, "I heard him preach Old Jim right into heaven and heard the door shut behind him." It was a raw December day, and since few could get into the house, most of the vast audience braved the weather outside. Great banks of flowers which covered the casket, costing \$2,700, and a list of distinguished honorary pallbearers attested the esteem in which Colonel Smith had been held. A group of Masons were there to pay their last respects to a departed member.⁴⁰

The casket was taken to a graveyard on a knoll a half mile away, whence many of Colonel Smith's kin had preceded him. Later, in their plan to erect a suitable memorial, his relatives saw that there was not enough space around the grave to make this possible; and not finding it convenient to remove intervening graves, they decided to remove the body to the Oconee Cemetery in Athens. Here in 1919 his body was placed in a great granite mausoleum, oriental in appearance with its half-spherical dome of heaven and Egyptian lotus leaves and flowers carved into the capitals of its columns. The bases of the columns were decorated with a profusion of interlacing gothic windows, on the superstructure appeared sunbursts and sets of angel wings, and over the door, the word SMITH—"an imposing memorial to a great farmer."⁴¹

Chapter XV

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• ADMINISTRATORS,
• CLAIMANTS, AND LAWYERS
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AND now there developed the second part of Colonel Smith's life and fortune, more remarkable than the first part. The disposing of his estate and the remaking of the man's life and character in doing so, constitute an amazing comment on human nature, stranger than fiction, though truth it be. If there was a will, no one knew where it was; and there was little time in which to search, for here was a vast complicated enterprise of crops not fully gathered, of workmen unpaid for the year, of tenants without new contracts, of silent machinery.

The strong hand that had been in control for a half century must now be replaced by a new authority. Before Colonel Smith was buried, quick-thinking men were on the move. The normal procedure would have been for the next of kin to take charge, and in their absence, then creditors of the estate to protect their interests. With the agreement of a few nephews nearby, Judge David W. Meadow of the Northern Circuit, a close friend of Colonel Smith's; Nat D. Arnold, a prominent planter and politician of Oglethorpe County; Frank P. Holder, long closely associated with Colonel Smith; and James Ogden Mitchell, the Colonel's private secretary and handy man for many years—these four men hurried to Lexington and secured from the Court of Ordinary that night their appointment as temporary administrators, under a bond of \$50,000. Two days later (December 14), with the approval of additional Smith kin, Andrew C. Erwin, a son of Judge Erwin (now dead), and Louis K. Smith, a nephew of Colonel Smith, were added to the temporary administratorship. Before the end of the month, when these six administrators asked for

appointment as permanent administrators, Ordinary L. H. Bacon set the hearing for the February (1916) term of his court, and when it developed that there would be delay in the appointment of permanent administrators, the bond was raised to \$1,000,000. In the meantime a majority of next of kin had agreed on reducing the number of permanent administrators to three, Erwin, Arnold, and Smith; but as there was no final action taken at the February term, the six men continued.¹

The administrators were not only quick-witted, but they worked fast. And on the first day the four were appointed, they selected five appraisers each for the ten counties in which Colonel Smith had owned property at the time of his death; and two days later they requested of Ordinary L. H. Bacon and received permission to take over the complete management of the estate, to make new contracts, to sell perishable products, and to do all things necessary to conserve the value of the estate. Mitchell, who was intimately acquainted with all affairs at Smithonia, was made manager.²

In the excitement following Colonel Smith's death there were wild guesses as to the value of his estate, ranging from \$2,000,000 to \$7,000,000, with most of them being around \$4,000,000.³ The appraisers two and a half months after their appointment reported the estate as worth \$1,411,715.01. This was entirely too conservative, and they later increased the value to \$2,000,000, which seemed to be still slightly conservative. There was difficulty in predicting how much of the \$586,841 in notes receivable could be collected, and some large notes were marked down when later they were collected fully, as, for examples, the \$50,000 note on the Mission Board of the Georgia Baptist Convention being marked down to \$25,000; the notes on the Lucy Cobb Institute of \$30,000, to \$25,500; the \$75,000 note on Tabernacle Baptist Church in Atlanta of \$75,000, to \$50,000. All of these notes were collected in full. Also there were such uncertain items as \$346,416 in stocks and bonds and \$21,499 in open accounts receivable. Of course there could be no question about the "Cash on hand and in banks," of \$85,688.⁴

The administrators had no mean task in settling an estate as large and complicated with such varied activities as Smithonia. Its value must be conserved and at the same time it

must be liquidated and brought into such shape that it could be divided among the heirs when they should be determined. The administrators must cultivate about 7,000 acres of land through tenants and hired hands; they must collect rentals from tenants, gather crops, and sell them to the best advantage; they must sell off unneeded livestock; they must find purchasers for the old railroad equipment, "one second hand locomotive engine," old cars, and scrap iron; they must collect the principal of hundreds of promissory notes, and the interest on other notes, stocks, and bonds; they must determine how and when to sell these securities; there was hardly an end to the details that came to their attention for action. All money on hand should be invested in order that it might produce an income for the estate.

There was the Pearl Cotton Mill, over in Elbert County on Beaverdam Creek, which for the last few years of Colonel Smith's lifetime had not been in operation and was costing \$125 a month for watching and maintaining the plant. The administrators were able to lease it for \$100 a month. There was about 18,000 acres of land and various buildings in Oglethorpe and Madison counties, in addition to lands and buildings in almost a dozen other counties over the state. As it turned out that not all of this property had been liquidated before the complications of heirship had been solved, these administrators were relieved of a complete liquidation of the estate.⁵

In the fall of 1917 the administrators offered for sale at auction before the Oglethorpe County Courthouse, in Lexington, the lands in Oglethorpe and Madison counties. The Smithonia property, consisting of about 7,000 acres, was divided into forty-six lots. The homeplace was to include 669 acres, but not the factories nearby. The latter, including about sixteen acres, were to be sold separately. Another tract of 654 acres was divided into four lots. The terms of the sale were 10 per cent cash, and the remainder to be paid before January 1, 1920.⁶

Administrator Andrew C. Erwin was in charge of the proceeding, and Tom Dozier, of Athens, was the auctioneer. There was suspended on the side of the courthouse a huge map of the lands to be sold. Before a crowd of 1,500 people, Dozier mounted an automobile and sold all the property that October day, when it had been anticipated that the sales would run

through at least two or three days. Most of the purchasers were citizens of Oglethorpe County. The price paid per acre ran from \$23 to \$120, but averaged about \$49. The total sales amounted to \$375,515.67. The homeplace sold for about \$100 an acre (including Smithonia House) and was bought by A. P. Dunaway, a neighbor who had previously rented some of the Smith lands. The sum total for this piece of property was \$65,628.30. Dunaway also bought the factory tract. It was thought that he was acting for others; but subsequent events showed that he thought that he might become another Colonel James M. Smith. Alas, it did not take many years for an insurance company to gain possession, and then a succession of transfers made Smithonia, which had made millions for Colonel Smith, a method of losing money conveniently for United States income tax purposes. Forty years after Colonel Smith's death the Smithonia lands had been converted into rolling emerald green pastures where black angus cattle roamed in great herds.⁷

In the meantime an amazing fermentation had been going on far and wide following Colonel Smith's death, unknown to people in general; but when the February (1916) term of the Court of Ordinary, at which as it had been previously announced, the matter of appointing permanent administrators would be taken up, there would be plenty of excitement. As a crowd had assembled, vastly too large for the Ordinary's office, Judge Bacon adjourned the hearing to the Superior Court auditorium. In the crowd filling the courtroom were at least twenty lawyers, the like of which both in numbers and important standing had never before been seen in the sleepy little village of Lexington—even in the days when such men as William H. Crawford, George R. Gilmer, Alexander H. Stephens, and Robert Toombs held sway there.

Immediate objection to the appointment of permanent administrators was raised as well as to a continuation of the temporary administrators. A battery of lawyers headed by E. K. Lumpkin, a cultured and able attorney of Athens, represented a group of Smiths from Habersham County, who claimed to be the lawful heirs, and asked for a new set of administrators; another set of lawyers represented Mattie Smith and others from Mississippi, who set forth their claim that Mattie Smith was a full sister of Colonel Smith; another

group known as the Humphrey claimants were also represented. All acting separately objected to the present administration of the estate. Representing the temporary administrators were a group of lawyers of the highest standing in their profession: Samuel H. Sibley (later to be a United States Judge of the Fifth Circuit), Alexander C. King of Atlanta, Horace M. Holden, Judge Hamilton McWhorter, Hamilton McWhorter, Jr. (a nephew of Judge McWhorter), Edmond F. Noel (a former governor of Mississippi), and the law firms of Cobb, Erwin & Rucker and Tye, Peeples & Tye. These administrators had been appointed with the approval of a group of Smith claimants who were descendants of Colonel Smith's half-brother John L. Smith and were designated in the various suits as Zadok Smith et al. In the light of all this confusion as to heirship, Ordinary Bacon adjourned his court to a time later in the month.⁸

Now there set in and continued for four years an amazing chapter in Georgia's legal history—"one of the strangest legal battles in the history" of the state.⁹ And what was strangest and most arresting of all—how an outstanding citizen, well known for a half century in the community where he had lived and not without standing throughout the state, suddenly became a man of mysterious origin. Here was the pathetic comment on human nature, how there were people who for money were willing to swear to the most amazing distortion of the facts and even to befoul the memory of their own ancestors. James M. Smith by testimony of such people was to become a thief, libertine, drunkard, and a bastard—even a murderer. He was to grow rich by grinding his wealth from the toil of his tenants, the unrewarded labor of his workmen, and from the blood of leased convicts. All, and vastly more than had been charged against him in life, now with Smith dead was to become the solemn truth.

Before his estate was finally settled, Colonel Smith was to have as many mothers as Abraham Lincoln was said to have had fathers. As eccentric old editor Townsend of the *Dahlonega Nugget* said, "If Jim Smith, the millionaire, could come back and live his days over, and realize what had happened, he wouldn't try to accumulate so much property and endeavor to see who his mother was before he died."¹⁰ One affiant swore that he had heard one of Colonel Smith's half-brothers say to the Colonel, "I have a legitimate daddy and you have not";¹¹

another swore that "it was a common report that he was a bastard";¹² another said, "In fact I have heard this general rumor in Hart County, Georgia, all my life" and that it was a common report in the gubernatorial campaign of 1906.¹³ It is remarkable that Thomas E. Watson's hearing was not keen enough to catch this report, for otherwise there would have been no end to its retelling by the "Sage of McDuffie."

On the other hand, a neighbor who had known Colonel Smith for nearly a half century testified: "Until after Col. Smith's death, when the litigation over his estate arose, I have never heard any one make any statement or intimation that Col. Smith was not of legitimate birth."¹⁴ Another neighbor who had lived near Colonel Smith since 1867 said, "I am 80 years old and never in all my life heard anything contrary to this relationship [of Zadok and Phoebe being his parents] of said Smith until since his death."¹⁵ And another, who had known Colonel Smith for many years and got from him his life history, said, "There is no more doubt or question about James M. Smith's paternity than that of any old and well known Georgia family."¹⁶ Colonel Smith's fathers were not quite so numerous as his mothers, but they ranged from men of unknown names to Robert Toombs.

To help prove certain claimants' cases people swore that Colonel Smith never paid any attention to his kindred and that he treated his half-sister Mrs. Mary Jones "worse than a negro and would not furnish sufficient food for the table and for clothes she never got anything decent."¹⁷ As a newspaper editor said, these hostile deponents swore "that Jim was a very profane and ungodly man, who had drunken frolics at his home, killed hogs and served liquor to his guests on Sunday, and that people sacrificed their property and left the neighborhood to keep the bad influences from ruining their children. It was charged that Smith operated three moonshine distilleries at the same time. . . . It's a nauseating mess, to say the least."¹⁸

The number of claimants to Colonel Smith's fortune reached at least a half thousand, grouped into about two dozen sets, with some of the groups joining forces. Not only Smiths but many others of all sorts of cognate family names from the Atlantic to the Pacific and on into Mexico laid claim to a fortune which to them seemed to be floating around waiting for

someone to grab. They ranged from cranks, adventurers, and shysters to people with valid claims. The situation provided inviting opportunities for editorial quips: "No poor Smith had as many kin as rich Jim Smith is charged with"¹⁹ and "If Col. Jim Smith could come back he would be astounded to know that he is so closely related to all the Smiths in this and the adjoining states."²⁰ With all these claimants to be heard in legal proceedings, one editor observed, "Many are free to predict that the case will be in the courts for a quarter of a century or longer."²¹

In the beginning the most serious attack on the Smith fortune was made by the Habersham Smiths and their proliferations, represented by the group whose lawyers had created the sensation in the February term of Ordinary Bacon's court and who had got the hearing postponed while they rounded up their witnesses, deponents, and affiants. Their contention was, as later developed, that Colonel Smith was the bastard son of Zadok Smith or of some other man and Sally Smith (later changed to her sister Nancy when it was shown that the Sally Smith boy had died). Old Charles Smith of Habersham County had three children, Sally, Nancy, and Larkin. Descendants of Larkin Smith first laid claims to the fortune on the grounds that their father's sister Sally was the mother of Colonel Smith and that they were his first cousins. But the descendants of this sister Nancy put in the stronger claim. About 1851 Nancy married William H. Kimbrell and a few years later moved to Louisiana, leaving behind her an illegitimate son, who was named Steward Pickens, but for short generally called Pick or Pink, and in reality it was claimed he was James M. Smith. The children of Nancy and her husband Kimbrell were here claiming Colonel Smith's fortune, thus admitting and publishing abroad that their mother had given birth to an illegitimate child, and that therefore Jim Smith was their half brother. They were Missouri Savannah Kimbrell, who married a Jennings; Nebraska Virginia Kimbrell, who married a Rylee; Mrs. Sallie R. Cabiness (all of Louisiana); and A. P. Kimbrell, who then lived in Arkansas. E. K. Lumpkin and other eminent lawyers represented this group,²² and with such legal talent in mind, a north Georgia newspaper editor predicted that it was "more than probable that the descendants of Nancy Smith, of Habersham County, will inherit this vast estate."²³ Either the

Sally Smith who had been abandoned by the Kimbrell claimants or some other Habersham Sally Smith was seized upon by another group which claimed the fortune through kinship with her.

Among the claimants to the fortune of Colonel Smith's, Sally Smiths were as common on his family tree as were Nancy Hankses on Abraham Lincoln's tree. There was a Sally Smith in Banks County, who gave birth to an illegitimate son, who turned out to be Colonel James M. Smith of Oglethorpe County; and a Mrs. Amanda Massee came along to claim the Smith fortune, because her mother was a sister of this Sally Smith, and therefore Mrs. Massee and Colonel Smith were first cousins. She employed seven lawyers to prove her claim.²⁴ There was another Sally Smith who lived in Habersham County, in addition to Charles Smith's Sally. Also she gave birth to an illegitimate son. A group of South Carolinians from Oconee County with three lawyers to assist them, laid claim to the Smith fortune by virtue of their kinship with this Sally.²⁵

Once upon a time there was a William Smith and his wife Lucinda who lived in Cobb County. They had a son whom they named James, who left home shortly before the Civil War, because his parents objected to his marrying a certain girl whom he loved. Thereafter they never saw him again, but Mrs. Josephine Humphry et al. believed that he was the James M. Smith of Oglethorpe County, and claiming to be the next of kin, they insisted through their lawyer that the estate be turned over to them.²⁶ Mrs. Ethel Green of South Georgia agreed that William Smith was the father of Colonel Smith but she opposed the Humphrey claims, on the grounds that she was nearer kin through the fact that her father John Henry Smith was a brother of William Smith, and thus she and Colonel Smith were first cousins.²⁷

There was a cluster of claimants who never got very far or made any outstanding stir in their efforts to gain the fortune, but whose claims were no more bizarre or fantastic than some groups who nearly succeeded. There was Mrs. Phoebe A. Goodwin et al. who claimed that Zadok Smith married a woman in North Carolina and deserted her when he moved to Wilkes County, Georgia, and married another woman. He had a daughter Sallie by his North Carolina wife and a son James by his Georgia wife. Being descendants of Sallie, the Goodwin group claimed the fortune.²⁸ Turning up from Illinois with two law-

yers from St. Louis and a few added from Georgia, Enoch M. Harriss et al. claimed the fortune because they were second and third cousins of Colonel Smith, working their kinship back to descent through a brother of Zadok Smith, Colonel Smith's father.²⁹ Other claimants appeared from Illinois, saying they were descendants of a sister of Colonel Smith's, and explaining that he had been born in Maryland, had moved to the West, and had never been heard of since until he died in Oglethorpe County with a fortune.³⁰ Maryland got into the picture again in the person of a man who claimed to be a half-brother of the Colonel's but was vague as to which one of Colonel Smith's various mothers was his own.³¹

Two sets of claimants arrived from Texas, one saying that the Colonel had been born in Texas and when an infant had been given to Zadok and Phoebe Smith;³² the other, known as the Mrs. Mattie R. Watts group, insisting that Colonel Jim was born in Alabama about 1833, the son of John and Elizabeth Smith, that his original name was Andrew Jackson Smith but that he changed it to James M. and moved to Texas, but later moved to Georgia. Some Alabama claimants appeared on the scene, saying that Smith was the son of Harbut Smith and that he had been born in Columbus, Georgia;³³ and another set of Alabama claimants sent to Lexington their lawyer, who "wandered around interviewing every person from whom he hoped to pump information beneficial to his clients, but received cold comfort, and that evening silently folded his grip and stole away." He had with him a family tree "evidently drawn by a skilled ancestral architect."³⁴

Claimants from Ohio with connections scattered throughout the Western states said that they were related to Colonel Smith through "his father" Thomas T. Smith;³⁵ M. F. Smith from Pennsylvania said that he was a half-brother of Colonel Smith;³⁶ a group from Florida brought forth this exclamation from a newspaper headline writer: "Help! Here's More Claimants to Jim Smith's Estate."³⁷ And another newspaperman observed: "Surely the Colonel was well mammied and daddied."³⁸ It began to appear that there were few whose names were Smith or whose kinship did not reach into the Smiths, who did not enter the claimant game. There were the J. G. Davis et al. of Georgia and South Carolina; the George W. Smith et al. of Florida, Alabama, and Louisiana; and a grouping of Mrs.

Frances Byce et al. of Alabama, Turners of South Carolina, Andersons of North Carolina, a Smith of Mexico, and Smiths and Bullards of Texas.³⁹

Colonel Smith's heirs were so widely scattered over the United States that even the cheap boarding-house districts of San Francisco and the waterfront were not without them. A certain Robert Allen was brought before the police court, charged with vagrancy. When his case was reached, he startled the judge by remarking, "You wait until I get my money." "What money?," asked the judge. Allen replied that he was heir to \$8,000,000, which James M. Smith of Atlanta had left him as sole heir, and saying further that as soon as the estate was settled he would be "swimming in money." First he would put \$75 of his fortune in a bank, never to be touched, "so I won't have to be buried in the potter's field." The remainder of it he would put into "a string of automobiles," and pointing to the other loafers and bums awaiting their turn, "and I'll take all my friends here for a trip around the world." The judge dismissed the case.⁴⁰

A few weeks later Robert Allen was in court again for vagrancy, and received a sentence of thirty days in jail. He asked the judge whether he might not be given the alternative of a fine. The judge enquired why he wanted a fine, since he had no money. Indignantly he pulled from his pocket a wad of papers purporting to show that he was heir to Smith's \$8,000,000 and told the judge that he could write a check for \$500,000 and get the money immediately. And then he observed that since he had fallen heir to this money he had had nothing but troubles and added "but I guess I'll continue to live as I have been. My only friends are 'bums' I meet in the alleys and along the water front." He had tried to live like a millionaire, but he soon found out that rich people had no heart. He then boldly told the judge, "I can pay any fine you can name, but I won't do it. I'd rather go to jail and be with my friends, real human friends. I don't think I will ever touch that money. So far it has brought me nothing but misery."⁴¹

Getting into the game a little late, but creating the greatest sensation of all the claimants, were the Eatons. Their case was in the hands of the law firm of two United States Senators, Thomas W. Hardwick of Georgia and James A. Reed of Mis-

souri. According to a news item in November, 1917, "The late discoveries and disclosures have created a profound sensation. The outcome will be awaited with intense interest. . . . An able and well-known legal light in Athens, who after due examination and investigation, says there seems to be a splendid case made out by the newly discovered heirs and that it is only a matter of making the court see the facts as the evidence seems almost certain to prove them."⁴²

According to the contentions in this case, James Smith, a tramp and saw-mill worker appeared in Ohio in 1871 and married Miss Mary Ann Eggleston in Pickaway County, and after a few months of married life left her. She had one daughter by him, named Emma. After a few years this Mrs. James Smith went to Columbus, Ohio, and married a man named Swigle, who soon died. Now the widow Swigle married a William H. Paugh, and later she married an Alfred Miller, and she was now a widow again. Her daughter Emma married a saloon-keeper in Columbus, Ohio, and later married M. J. Eaton, and they with widow Miller were now living in Kansas City, Missouri. As a daughter of Colonel Smith, Mrs. Eaton with her mother was demanding the entire estate.⁴³

So far, all of the approaches to the Smith fortune had been through the Smith side of the family; it remained for an enterprising lawyer from Corsicana, Texas, W. W. Ballew, to make a flank attack down the line of Colonel Smith's mother; and before this lode had been thoroughly worked for whatever ore could be found in it, there had been added as diggers former United States Senator Joseph W. Bailey of Texas and the law firm of Senator Hoke Smith, Colonel Jim's successful opponent in the gubernatorial race of 1906. In working up this group of claimants, it was reported that the lawyers were to get one-half of the estate if they were successful.⁴⁴

Ballew had come by the knowledge of Colonel Smith's fortune and the possibilities of representing someone claiming a part of it, through Mrs. Nannie Nash, a cousin of the Colonel on his mother's side, who was a resident of Corsicana. With Mrs. Nash he hurried to Smithonia only to learn soon that according to the Georgia laws of inheritance, Mrs. Nash was not eligible.⁴⁵ While prospecting around for clients, he made himself useful in defending the good name of Colonel Smith. He wrote for publication in the newspapers an account of the Colonel's

paternity "for the purpose of stopping the tongue of slander that hesitates not to defame the dead and disgrace the living. . . . Strange, is it not, that when death has sealed his lips that slander's tongue should loudly bawl to the world that Colonel Smith was born in sin, and all his life was lived behind a cloud of shame, and his bounty and his name belong to others than his own dear dead mother, who has rested in the little graveyard at or near Danberg [*sic*], Wilkes County, Georgia, since 1848."⁴⁶

Although property did not descend down the maternal line in the absence of a will, yet if Ballew in accepting Phoebe as Colonel Smith's mother, could prove that Zadok Smith was not his father, then he could bypass the line of descent through Colonel Smith's half-brothers, and divert the fortune to the descendants of Phoebe's brothers and sisters. Phoebe had been a Boatright before her first marriage and she had two brothers and two sisters; so this group became known as the Boatright-Vaughn-Day group. Here Ballew became guilty of the slander against which he had previously cried out so vehemently; but in picking a father for Colonel Jim he went high up—none other than the mighty Robert Toombs. According to various tales that he was able to collect, and accept as true, Ballew said that Jim was born some years before Phoebe's marriage to Zadok Smith and that he was taken in as one of the Smith boys, that Toombs gave Jim \$10,000 or \$15,000 to go to college in Tennessee, and that after the war he gave Jim \$50,000 to get started in farming, and that Jim appeared to be poor in order to hush it up. It was also asserted that Toombs and Jim were at the end of the war the principal robbers of the Confederate money train near Danburg, and that Jim got a "one-horse load of the money." According to a further part of this amazing fabrication, Colonel Smith made a will immediately before going to the Johns Hopkins Hospital, showing that the Boatright group were his only kin; and that there was a witness to the will but he was afraid to testify for fear of being murdered. It was also asserted that, in fact, Colonel Smith had not died a natural death, and that his private papers were destroyed or buried with him. Ballew was willing to allow a variation of the Toombs fatherhood, by admitting the possibility of Zadok being the father, but before his marriage to Phoebe. Hence Colonel Smith was a bastard, and the inheritance

would still have to go through Phoebe's brothers and sisters. Ballew accepted as part of the group he was representing, Betty Hartline, who said that she was a first cousin of Jim's, since their mothers were sisters.⁴⁷

The Boatright line appeared so inviting that other lawyers began using it to promote the suits of claimants they were able to happen upon. Lawyers from Alabama and Texas were in charge of the claims of Henry J. Harrison et al., who asserted that Jim's mother was Terracy May Boatright and that they were descendants of her brothers and sisters. Furthermore they said that Jim was illegitimate, that his father was unknown, and that his real name was James M. Boatright.⁴⁸ Mrs. Allie McCorkle of Rusk County, Texas, claimed part of the fortune, because her father was a brother of Phoebe who gave birth to an illegitimate child, and Colonel Smith was that child. She said that her father went to Texas about 1851 to take a drove of Negroes and mules and stayed to avoid the stigma of his sister having given birth to an illegitimate child.⁴⁹

Although eventually a so-called daughter (Mrs. Eaton) had laid claim to the Smith fortune, a "son" was early on the scene. In fact up to that time he had spent all of his life at Smithonia; he was a mulatto named Fletch Kidd. He was an unusually able Negro, whose abilities Colonel Smith made use of by appointing him general manager of the labor on the plantation. He paid him \$1,000 a year and immediately before going to the Hopkins Hospital, the Colonel deeded Fletch a half interest in 156 acres of land. Fletch said that Colonel Smith was his father and that he was going "to put in" for half of the estate. Colonel Smith's private secretary Mitchell said that Fletch's father was a mulatto blacksmith; and one of Colonel Smith's attorneys said that he had privately made an investigation of the rumor and that absolutely there was no truth in it.⁵⁰

Lastly there were the descendants of John L. Smith, a half-brother of Colonel Smith's, grouped under the designation Zadok Smith et al., but these did not include the descendants of Colonel Smith's other half-brothers, Robert A., who went to Mississippi and left descendants; and George W., who had a daughter married to Nathan S. Mattox with offspring in Elbert County and in South Carolina, and a son Robert (deceased) whose child was an orphan, Fannie. Herein were two more sets of claimants: the Mississippi group (Chisholm-Smith-Marks), represented by

two contesting lawyers until they got their attorneyships straightened out; and the South Carolina-Elbert County group (Mattox-Watts-Carroway-Fleming).⁵¹ By the laws of inheritance in Georgia, these three groups were bona fide claimants; and assuming to be true what had been universally recognized throughout Colonel Smith's life, that he was the son of Zadok and Phoebe Smith of Wilkes County, in the absence of a will these claimants should inherit the fortune.

There were three other assaults on the Smith estate, but not by parties claiming to be heirs. The State of Georgia, through its Tax Commissioner John C. Hart, was early on the scene demanding 5 per cent as its part, in compliance with the law on inheritances. For the purpose of collecting the tax the state agreed to an evaluation of \$2,000,000, but when the tax was paid it amounted to \$103,589.58.⁵²

With their chief citizen dead, Oglethorpe County began greedily to look into his previous tax returns. The Tax Receiver soon came to the conclusion, now that the appraisers of the estate had made their report, that Colonel Jim had been undervaluing his property from \$1,200,000 to \$1,700,000 every year from 1909 to 1915, much of this being stocks and bonds but also some land, livestock, and his railroad. The administrators answered that the Tax Receiver's specifications were vague, that Colonel Smith had given in his property at no less a percentage of real value than was done by everyone else in Oglethorpe County and throughout the state at large, and that the Tax Receiver had no legal authority to act in the matter. They secured a temporary injunction against him, from the Federal Circuit Court in Atlanta, and later the Superior Court of Oglethorpe County restrained him.⁵³ As a matter of fact Colonel Smith took a certain pride in listing his land for taxes at a higher valuation than his neighbors, saying, "Mine's better." And it was attested by an attorney for Colonel Smith that he gave in more intangible property (stocks and bonds) "than all the rest of the state of Georgia put together."

Finally, about a dozen of Colonel Smith's workmen put in claims for wages which they contended were never paid. These were matters to be finally disposed of by the administrators or by the courts.

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Chapter XVI : COURTS, COURTS, COURTS
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ONE of the chief functions of the Court of Ordinary in Georgia was settling estates through the appointment of administrators and the probation of wills. In the case of Colonel Smith, no will had been found, and temporary administrators had been immediately appointed. The appointment of permanent administrators at the meeting of the Court in early February had been delayed by the objections of certain groups of claimants, and Judge Bacon had adjourned his court to the last week in the month. Before the appointed time for that session, there developed one of the most remarkable successions of events in all the legal history of the state, leaving the mass of people almost 'dumfounded and the judges and lawyers somewhat confused as to the position into which they had got themselves.

On February 23 (1916) lawyers for the Humphrey group of claimants and others hurried to Chatsworth in the northern part of the state to enlist the services of Judge A. W. Fite, whose jurisdiction was the Cherokee Circuit. Oglethorpe County was in the Northern Circuit and the judge of this circuit was David W. Meadow, who had been appointed one of the temporary administrators. There was a serious conflict of interests here, for Judge Meadow could hardly be expected to preside over an action to which he would be a party. Hence the Humphrey lawyers had gone out of the Northern Circuit to seek an injunction against any further proceedings by Judge Bacon's court, and they were asking that the temporary administrators be enjoined from any further management of the estate, that receivers be appointed, and the rightful heirs be determined and the estate be distributed among them.¹

Judge Fite immediately appointed five temporary receivers, some of whom by forced marches hurried to Smithonia, arriving sometime after midnight following the day of their appointment. They roused out Mitchell, one of the temporary administrators and the manager of the estate, and demanded the keys to every door on the plantation. Since they produced no legal documents to justify their demand, Mitchell refused to turn over the keys until he could get some legal advice. He telephoned Judge Hamilton McWhorter in Athens, who advised him to refuse to hand over the estate, since he had not been served any legal papers, was only one of the administrators, and therefore should not give up any duties without permission of the Court of Ordinary.²

The interposition of Judge Fite in the settlement of the estate called for immediate action on the part of the temporary administrators, who would thus be dispossessed if Fite's orders stood. There was now greater traffic than ever before over the roads between Athens, Lexington, and Smithonia—emissaries coming and going on urgent errands. The immediate result was the bringing of another judge into the complications that were fast developing. Judge Charles H. Brand of the Western Circuit, residing in Athens, was hurriedly sought out and induced to issue an injunction against the Fite receivers interfering with the estate. This action was only a temporary measure, to serve until the status of Judge Meadow could be worked out. Manifestly if the settlement of the estate should be kept in Oglethorpe County, where most of the property was located, Judge Meadow must either resign as an administrator or vacate the bench. The strategy resulted in his immediate resignation of his judgeship and the appointment of another judge for the Northern Circuit. These developments took place in a sort of cloak and dagger atmosphere. The lawyers for the temporary administrators, accompanied by Judge Meadow, hurried to Atlanta and pulled Governor Nat Harris out of bed at midnight and thrust into his hands the resignation of Judge Meadow and asked for a new appointment on the spot.

The old governor decided that it would be best not to accept the resignation until the next morning, and as he later said, "I expressed sorrow to him that he was going to rob the state of a good judge."³ But before again retiring for the night, Governor Harris instructed his secretary to telephone J.

N. Worley of Elberton to come immediately to Atlanta. Worley arrived on the morning train and was at once sworn in as judge of the Northern Circuit.⁴

Immediately there went up a strong criticism of this whole procedure. Judge Hamilton McWhorter (not judge of any circuit at that time) was charged with having been back of the scene pulling the strings, engineering the appointment of Judge Worley and leaving heartburns with others who had hoped to secure the place; and Governor Harris was condemned for being so hasty. Judge McWhorter denied that he had suggested Worley's name to the Governor, and asserted that in fact he and Worley had been political enemies. His only wish was to see that the settlement of the Smith estate was kept in Oglethorpe County. Governor Harris said, "I received no intimation from Judge McWhorter as to his desires, and did not know whom he preferred, if any one, to fill the vacancy. The choice was my own, . . . and, for it, I alone am responsible."⁵ He said further in explanation of this appointment, that Worley had some months previously approached the Governor with the request that if a vacancy should happen in the Northern Circuit that he would like to be considered for the position. And as for the precipitancy in the appointment, the Governor said that it had always been his policy to fill vacancies at once, and that in this case there was a special urgency because court had been set for Hart County the following Monday, and there must be a judge on hand to hold it.⁶

Out of all these complications there was soon to be either some clarification or added chaos. The first task at hand was to get Fite out of the picture. In trying to enforce his orders that the estate be turned over to his receivers, Fite had fined Mitchell \$300 or thirty days in jail, and had threatened with contempt of court Sheriff Watkins of Oglethorpe County for not assisting in taking possession of the estate. As Fite had no jurisdiction in the Northern Circuit and could not get possession of Mitchell and the Sheriff, his orders were as effective as the Pope's bull against the comet. There was also a covert threat that Judge Fite might hold Judge McWhorter in contempt for advising Mitchell against surrendering the keys. Referring to this possibility, Judge McWhorter said, "Life's too short to bother with that kind of stuff. . . . Citing me for contempt is one thing and getting me is another."⁷

Now with Judge Worley in office, the hearing on Judge Brand's injunction against the Fite receivers was held before the new judge in Hartwell. On March 1, Judge Worley made the injunction permanent and ordered Judge Bacon of the Court of Ordinary to appoint permanent administrators at his next session of court.⁸ But in the meantime, on February 28, there was in prospect a "Second Battle of Lexington," to be fought at the adjourned session of Judge Bacon's Court of Ordinary. In anticipation of this event, the reporter for the *Atlanta Journal* said that next Monday, "there will begin one of the strangest legal battles in the history of Georgia, when scores of Smiths and dozens of their lawyers assemble to fight for the millions of Colonel 'Jim' Smith, the wealthy old planter, who measured his holdings by the mile, who one time ran for governor of Georgia, who lived in almost feudal magnificence and died last December at the town he made Smithonia, leaving neither will nor wish to direct the disposal of his vast fortune."⁹

But the Second Battle of Lexington was not to take place at this time. A bombshell was exploded in a flank attack on Judge Bacon's court, which enveloped judge and court and held them in legal captivity, awaiting further stratagems. On March 2, the Jennings-Rylee-Cabiness-Kimbrell claimants, who were the Louisiana-Arkansas proliferation of the Habersham Smiths, took their case to the Federal courts on the grounds of diversity of residence. They approached Emory Speer, judge of the United States District Court of the Southern District of Georgia, and in their brief stated that they were the sole heirs and were entitled to the estate without administration. They asked that the Court of Ordinary be enjoined from further proceedings in the case and that Judge Speer appoint receivers. This move was a welcomed development for Judge Fite, since now he could get out of the legal predicament into which he had got himself, by saying that the Federal Court took precedence.¹⁰

Judge Speer set the hearing for April 3 in Augusta; but he took immediate action to the extent of appointing "special masters with the power of appraisers," for the special purpose of evaluating the estate and having that information before the court when it should meet. They went to Smithonia and were received civilly and were given complete co-operation by Mitch-

ell and the other administrators. The value these appraisers arrived at was \$2,105,359.32, considerably more than had been set by the appraisal under the temporary administrators.¹¹

When Judge Speer's court opened in Augusta, it looked down upon a sight hardly to be found outside of a three-ring circus. Such an array of lawyers had never before been seen in Augusta or in any other part of Georgia, at least 150 of them, all of them enjoying the title of "Colonel."¹² They "appeared in the full regalia of legal warfare to see to it that the millions of Jim Smith—also a generally acclaimed 'Colonel'—were properly disposed of."¹³ A Middle Georgia newspaper editor observed, "If Jim Smith only knew what a disgraceful scramble is going on over his wealth he would probably be sorry that he did not die a pauper."¹⁴ "'Tis a pretty mess—this lawyers' fight over the Smith millions," thought another.¹⁵ The editor of the *Atlanta Constitution* predicted that when the courts and litigants should have got through with the estate it would be "scattered to the four quarters and dissipated into nothingness" and it was "doubtful if even an imposing monument will be erected over his burial place."¹⁶

More serious and with a feeling of righteous indignation, the *Macon News* said that "we have a spectacle similar to that which happens when the scavengers of the skies find a fat and unprotected carcass in the fields. The lawyers are feasting on it, and of the portion they leave, much of it will be eaten up by court costs."¹⁷ And the *Augusta Chronicle*, under whose nose the spectacle was being exhibited, declared that the case "amounts to a public scandal, and before it is ended the dignity and integrity of the Georgia bar, if not of some of Georgia courts, is liable to be at a heavy discount—and all for greed of a dead man's gold; the commonest, coarsest passion that ever moved lawyer or litigant." It was "a frantic fight for money which no one of them involved in it helped to produce."¹⁸ With a touch of humor, a lawyer well read in literature remarked that the probable disposition of Colonel Smith's fortune would turn out to be similar to the bequest left to the simple German shoemaker in Mark Twain's *Life on the Mississippi*. Those charged with carrying the money to him, philosophizing how it would ruin the shoemaker's life to have so much money, decided it would be a crime to let him have it.

They whittled it down to where they finally decided to buy the old fellow a dollar-and-a-half chromo.¹⁹

The hearing, which had been expected to continue for about a week, was drawn out until almost the end of the month of April. Beginning in Augusta, the hearing after the first week was moved to Macon. Hardly a day passed without a new set of claimants appearing with their lawyers and briefs and affidavits and witnesses. The chief performers were the Jennings-Rylee-Cabiness-Kimbrell claimants, who had got the case into Judge Speer's court, and their chief of staff was William M. Howard. His purpose was to prove that his clients were the next of kin and the legal heirs and that Judge Speer should appoint a new set of administrators and take the settlement of the estate out of the hands of the Oglethorpe County Court of Ordinary. Of course, in proving that his claimants were the true heirs, Howard and his assistants had to prove that Colonel Smith was not the son, or at least not a legitimate son of Zadok Smith of Wilkes County, but was born out of wedlock to Nancy Smith of Habersham County; that when Nancy married and went to Louisiana she left her bastard son behind (who was called Pick or Pink, but who was really James M. Smith); that Jim Smith always called Nancy's brother Larkin, "Uncle Larkin." There seemed to be some standard techniques in the arguments of these claimants as well as of other groups to make their James M. Smith coincide with the real James M. Smith and to disprove that he was the son of Zadok Smith. They all claimed their James M. Smith was a peddler, a bastard, and a bachelor, and that he had a wen on the back of his neck and had poor eyes. To prove that their own candidate for James M. Smith conformed to all these requirements lawyers for the various groups of claimants who were protesting the rights of the Zadok Smith et al. heirs brought into court witnesses and depositions ad nauseam, attesting to the most amazing falsehoods.²⁰

Samuel Sibley was the chief of staff of the lawyers defending the rights of the Zadok Smith et al. claimants; and righteousness, honesty, truth, and decency being their strongest shields, they could uphold the highest ethics of the legal profession in their defense—by Biblical records, the United States censuses, the testimony of the most respectable people, by the

universally accepted repute of Smith's birthplace and parentage up to the time of his death. They admitted that Jim Smith knew Larkin Smith, peddled with him in North Georgia, and called him "Uncle Larkin," a term which "was a mere address to the old man with whom he had familiarly associated," just as others "no kin, called him 'Uncle Larkin.'" As for the silly claim that Pick or Pink Smith was really Jim Smith, there was not the slightest foundation. Pick followed his mother to Louisiana and some years later moved to Texas where he was hanged—if not hanged, at least he died there. They called attention to the fact that Colonel Smith had in 1899 erected tombstones over the graves of his father and mother in Wilkes County, and they produced the person who had carved the stones and erected them. They called attention to the sketch of Colonel Smith which appeared in former Governor Northen's *Men of Mark in Georgia*, which was published in 1912, and they produced the original manuscript of facts furnished by Colonel Smith himself. They also put on exhibit a copy of Echols' *Georgia's General Assembly of 1878. Biographical Sketches of Senators, Representatives, the Governor and Heads of Departments, Illustrated with Portraits*, in which appeared a biographical sketch and portrait of Colonel Smith when he was a member of the legislature. Also they produced evidence of Colonel Smith having shared in the settlement of his father Zadok's estate in Wilkes County, where he died in 1867.²¹

Howard's next move was to try to prove that the temporary administrators were mismanaging the estate, that they had rushed in and seized control of the estate in the hopes that they might secure a slice of the fortune; and that they were without legal right to act as administrators because they were neither next of kin nor creditors of the estate. They had killed hogs, rented out mules, and sold certain products. Instead of being creditors, three of the administrators were debtors: Frank P. Holder, \$20,500; David W. Meadow, \$4,100, and Andrew C. Erwin, \$11,000. Howard gave Judge Meadow a grilling examination, driving him into every possible confusion, and unmercifully pursuing him to the end. Also he sought to show up in as unfavorable light as possible Erwin, Arnold, and Mitchell. Holder, who had become estranged from the other administrators on the grounds that he was not being consulted by them, escaped Howard's fangs. Especially did Howard

linger on the precipitancy with which these men had got themselves appointed administrators.²²

In answer they declared that the estate was fast falling into chaos. Negroes were soon milling around intent on seizing whatever they could and were getting ready to ride off on mules. Fletch Kidd was in an ugly mood, aided by frequent drams of liquor, and was insisting that the whole estate belonged to him. Meadow and Erwin talked to him "and to an extent pacified him." Howard dismissed this explanation as a thin excuse, saying that Fletch being an illegitimate (whether his father was Colonel Smith or someone else) could not inherit property, and furthermore, he could never have been appointed an administrator.²³

After hearing for three weeks hundreds of witnesses testify, depositions read, and lawyers speak, Judge Speer finally put a stop to the hearing, and rendered his decision. As for the administrators, they "sped away after dark, found the ordinary and obtained the appointment." Whether or not they mismanaged the estate by killing a few hogs and renting out mules was of no importance, but what was important, said Judge Speer, was "the appointment of temporary administrators under nominal bond and on the same day as Colonel Smith died and before the heirs could assert their rights, and under the representation that they were creditors of the estate. It becomes a question as to whether they are true temporary administrators or whether they are mere trespassers." In fact, he said that they were trespassers, that they got their appointment by fraud, and that the Ordinary had no right to appoint them. Sharp as the judicial tongue was in dealing with the temporary administrators, it became piercing in dealing with the memory of Colonel Smith, who lay mouldering in his grave and whose standing in life had no bearing on the immediate issue and the decision thereof. The point at issue was whether the estate should be taken out of the hands of the temporary administrators, though most of the hearing had revolved around the question of who were the true heirs. Before that question could be answered, it would take a few more courts to determine whether it could be taken out of the hands of the Oglethorpe County Court of Ordinary.

But Judge Speer was determined to express his opinion of Colonel Smith, obtained largely from the testimony of people

whose memories had been perverted by age or money. This Colonel Smith was the "remorseless beneficiary of the intolerable system, by which a state founded to relieve the victims of legal oppression, for years farmed out to selfish greed the labor and the lives of its wayward, its unfortunate, its erring, and its felons, he drove his serfs in stripes and chains as the taskmasters of Egypt drove the ancient people of God. . . . Unmarried, a man of mysterious origin, abnormal methods of life, of strong and domineering mind, he had accumulated a fortune which many termed millionaires might court. . . . From the seat of his peddler wagon, he stepped to the head of his class."²⁴ Judge Speer kept control of the case and appointed four receivers to take charge of the estate.

Such language sounded more like a political harangue than the decision of an impartial judge. Judge Hamilton McWhorter, one of the counsel for the Zadok Smith claimants, who had been playing a prominent part with Samuel Sibley in the hearing, remarked, "Why, that was no decision; that was an argument." He immediately appealed for a hearing before the Fifth United States Circuit Court of Appeals in Atlanta.²⁵

In the meantime Judge Speer appointed his receivers with counsel to represent them. The receivers immediately made bond for \$500,000 each and set out for Smithonia to take possession of the estate, hoping no doubt to have better luck than the Fite receivers had had. Manager Mitchell, being duly impressed with the dignity of a Federal court, let it be known that he would hand over the keys and have dinner ready for them when they arrived. The receivers took possession and appointed new managers, and everything ran smoothly until later in the day, when Administrator Louis K. Smith made certain demands on one of the managers. A difficulty arose between them and there was grave danger that a small insurrection might be in the making. Administrator Andrew C. Erwin hurried over from Athens and quieted the situation.²⁶

When the Court of Ordinary had raised the bond of the temporary administrators to \$1,000,000, all signed it except Frank P. Holder, who claimed that Judge Speer had taken jurisdiction out of the hands of the Court of Ordinary, and that he could not recognize the authority of the Ordinary to change the status of the estate "in any manner whatever." On Au-

gust 7, 1916, the Ordinary dismissed Holder as one of the administrators.²⁷

The appeal from Judge Speer's court to the Fifth United States Circuit Court of Appeals automatically stayed Speer's decision and restored the Smith estate to the original temporary administrators. The preliminary hearing in Atlanta in early May put off a final decision until a further session of the court in Atlanta in the following October (1916).²⁸ In this interim the hard-pressed Ordinary was still bent on handling the estate, and in early August he had set a hearing to appoint permanent administrators; and now as if there were never to be an end to legal complications and technicalities, another judge intervened. There was no end to the Sally Smiths of Habersham County. The lawyers for the claimants through this Sally Smith, being from Gainesville and Commerce, went before Judge J. B. Jones in the Habersham Court in the Northeastern Circuit and secured an injunction against Ordinary Bacon's appointing permanent administrators. Judge Jones proceeded to appoint three temporary receivers to be bonded at \$100,000 each. The Zadok Smith lawyers immediately appealed to the Georgia Supreme Court, which stayed the decision of Judge Jones. When the Supreme Court handed down its decision in March, 1917, it held that the fact that certain claimants resided in Habersham County was "insufficient to draw to that county jurisdiction to enjoin the proceedings in the court of ordinary of Oglethorpe county" and that the Habersham Court "was without jurisdiction" and that "it was erroneous to grant an injunction and appoint a receiver."²⁹

In October, 1916, the Federal Circuit judges, D. A. Pardee of New Orleans, W. I. Grubb of Birmingham, and R. W. Walker of Huntsville, Alabama, held court in Atlanta to determine whether Judge Speer of the United States District Court or Judge Bacon of the Oglethorpe County Court of Ordinary had control of the settlement of the Smith estate. They put off a final decision until the December meeting in New Orleans. And here they reached a decision that was not well understood by laymen and not entirely clear to lawyers. It did not take jurisdiction entirely away from Judge Speer, but only that part which related to the appointment of receivers.³⁰ That, of course, meant that for the time being, apart from technicali-

ties, the estate was back in the Oglethorpe County Court of Ordinary; and in this month Judge Bacon appointed as permanent administrators from the temporary group, Nat D. Arnold, Andrew C. Erwin, and Louis K. Smith and fixed their bond at \$2,000,000, the largest bond ever exacted in the history of Georgia.³¹ About this time an observer reported that one set of lawyers were saying that litigation would be "exhausted and the estate divided by next spring; but the other side say they can tie things up for the next twenty years."³²

In March, 1917, the same month in which the Georgia Supreme Court handed down its decision in the Judge Jones interposition, the Mrs. M. S. Jennings et al. claimants sought to make progress by appealing to the United States Supreme Court from the decision of the Fifth Circuit Court, but this high court refused to hear their petition.³³

The Speer court now limped along with one foot in the case and one foot out, busying itself with sending out court-appointed commissioners to take testimony on who the lawful heirs might be. Among those taking testimony was Ballew, the Texas lawyer whose original case had blown up; but, determining to keep a finger in the pie, he was now serving in a double capacity—a commissioner of Speer's and a faithful organizer of the Boatrigh claimants. In pursuit of the latter task Ballew became embroiled with Taylor O. Estes, whom Ballew was trying to interest in the Boatrigh group, since Mrs. Estes was a descendant of one of the Boatrigh family to which Colonel Smith's mother belonged. But as there had to be a birth out of wedlock in Ballew's claims, Estes resented exceedingly this befouling the family name. It seems that Ballew was hurried out of the Smithonia region without any ceremonies attending his going. Judge Speer took this treatment of one of his commissioners to be a contempt of court, and cited Estes, but without imposing a sentence he enjoined Estes and others against interfering with Ballew.³⁴

As the end of the year 1917 and the second anniversary of Colonel Smith's death approached, a settlement of his estate seemed to be much farther away than ever before. The case had now been in the Oglethorpe Court of Ordinary for a half dozen and more hearings; five Georgia Superior Court judges had drawn it into their courts; the Georgia Supreme Court had handed down a decision on it; two United States District

Courts had played with it; a United States Circuit Court of Appeals had held three sessions in which the case had been taken up; and it had been appealed to the United States Supreme Court, which refused to hear it. What was the status of the case now? Who could surely know? It would take at least two more years to answer the question.

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Chapter XVII • TROUBLE MONEY
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THE will, the will! Who has the will? This was not a children's game; it was a very serious matter and had been so for two years. If there was a will and it could be found, the settlement of the estate would appear to be very simple. It would, however, result in the demobilizing of a few hundred lawyers and a half dozen or more judges.

The temporary administrators had scarcely been appointed before rumors were afloat that Colonel Smith had made a will. It was definitely stated as a fact by an Athens lawyer that Judge Alexander S. Erwin had written the will some years back and that he was included in it for a bequest of \$10,000.¹ There were others who said that Colonel Smith had made a will in which he had bequeathed much of his property to the State Normal School and to the State Agricultural College, both in Athens, but when Clarke County did not support him in the gubernatorial contest in 1906, he tore up the will and said that no one in that county should ever profit from his estate. There was the further statement by one who had long been intimately associated with Colonel Smith, that thereafter he toyed much with making another will but that he could never quite bring himself around to doing so; but that he had expressed the intent of leaving a handsome sum to his alma mater Hiwassee College in Tennessee, a small endowment to Bessie Tift College, and the great bulk of his fortune to establish an agricultural college at Smithonia, which should bear his name.²

There was an old gentleman with a long white beard, by the name of Henry Heard, who lived in Union Point and who had been a workman on Colonel Smith's plantation away back in

the 1880's. Soon after Colonel Smith's death, Heard said he knew that the Colonel had made a will in the 1880's, for he signed it. He said that there were two others who signed it, one of whom was now dead. Colonel Smith had called them in one night and asked them to sign the document which he said was his will, but as he did not read it to them, they did not know what was in it.³

There was even more proof, just as positive, that Colonel Smith had made a will, which came out in the hearings in Judge Speer's Court, in April, 1916. Former Judge David W. Meadow, now one of the administrators, testified positively that a will had been made, that he himself was one of the administrators and legatees mentioned in it, that it was made about 1885, and that the bulk of the real estate had been left to Colonel Smith's two favorite nephews.⁴

But where was the will, if it had not been destroyed? James O. Mitchell, one of the administrators and the manager of the estate, had searched Smithonia House from cellar to attic without success. Finally in November, 1917, while he was going through a mass of old papers he ran across a plain white envelope, which he was about to cast aside when on second thought he looked inside and found the will!⁵ The tradition arose that the will had been found in the loft of a barn, done up in red pepper to keep the moths away.⁶ This was the most exciting news since the surrender of General Lee at Appomattox. It seemed to spell the doom of hundreds of lawyers as certainly as the Surrender had doomed the Confederacy.

The will had been found on the 12th of November. The next day it was filed in the Court of Ordinary, and at the same time the two living persons who had witnessed the will swore that the signatures on the document were their own. Colonel Smith named in the will as executors "my friends" Alexander S. Erwin and David W. Meadow, and "my two nephews, Robert A. Smith and John T. Smith." The will had been made on December 4, 1885.⁷ The only executor named in the will, who was now living, was Meadow; and it was he who took the will to have it filed with the Court of Ordinary. On December 3, letters testamentary were issued to him by Judge Bacon.⁸

It was remarkable that as good a business man as Colonel Smith would allow a will made in 1885 to remain in force for thirty years without changes. His fortune was now three or

four times as large as it was then, and many of the people mentioned in the will were now dead. He could hardly have forgotten about the will; there was no doubt about its being genuine. Could his aversion to thinking about death have led him to neglect supplanting this will with a new one? It was one of his cardinal principles to neglect nothing. Had he neglected his business even as remotely as much as he did the ultimate disposition of his property, he would probably have had little to dispose of.

Apart from about \$45,000 in money which he devised to people named in the will he left his fortune to two of his nephews, who were living and working with him at Smithonia. To his nephew Robert A. Smith ("Bobby"), the son of George W. Smith and his favorite of all his kin, Colonel Smith bequeathed 3,000 acres of land including the home place and also "my corn and wheat mill, my cotton seed oil mill, my gins, engines, separators, saw mill, and all my other machinery and also twenty-five of my best mules to be selected by himself." To the other nephew John T. Smith, a son of John L. Smith, he gave 2,000 acres of land, fifteen of his best mules to be selected by John after Robert should have made his choices, and \$2,000 in money. The residue of his estate "not herein disposed of" should be divided equally between these two nephews. Furthermore, it was Colonel Smith's "will and desire that the real estate devised in this will" to Robert should be for his lifetime only, and at his death should go to his children. If he should have no issue but should leave a widow, then the widow should have a third of the said estate and the remainder should go to Colonel Smith's nephew John. And this rule should apply similarly to John in relationship to Robert.

At this time Colonel Smith had three living half-brothers, but he remembered in his will only John L., to whom he bequeathed the interest on \$3,000 invested in Georgia State bonds; and at his death the sum was to be equally divided among his children—John T. being one of them. To his "half-sister, Mrs. Mary W. Jones," the daughter of Colonel Smith's mother by her first husband Micajah D. Mabry, he left \$6,000 to be invested in Georgia State bonds and the interest to go to Mrs. Jones until her death, when the sum should then be divided among relatives of the mother of Colonel Smith—the

Boatright kin. Two others of this side of the family should receive \$2,000 each.

To his two executors apart from his nephews he bequeathed \$2,500 to David W. Meadow and \$5,000 to Alexander S. Erwin. He left \$1,000 to Phil W. Davis, who was destined to preach his funeral. To other friends and acquaintances, he left \$2,000 to one, \$1,000 each to five, \$500 to four, and \$200 to one. To nineteen of his tenants he left sums ranging from \$500 to \$100, but with the stipulation that they should be tenants on his estate at the time of his death. To twenty-three of his workmen he left sums ranging within the same limits. "To my servant Cindy Glenn" he left the interest on \$500 invested in Georgia State bonds, which sum at her death should go to his nephew "Bobby." To two other servants he left like sums under like conditions except that the bequest should go to their children. And to "my servant Nancy Kidd" he willed the interest on \$1,000 invested in Georgia State bonds, which sum at her death should be equally divided between her two children George and Fletcher, each of whom should also receive the interest on \$500 in Georgia State bonds, and when each should reach the age of twenty-one the principal sums should be paid them.⁹

By the time the will had been found, all of Colonel Smith's half-brothers and his half-sister had long been dead, and so had his two nephews to whom he had left most of his estate. His nephew John T. had left neither widow nor children; and his nephew Robert's widow was dead and of his two children only one was living, Frances, who in March, 1916, had married James F. Shehane. Her brother had died without issue. It now appeared that Mrs. Shehane would be the sole legatee to the entire estate not disposed of otherwise by the will.¹⁰

The road to a final settlement of the estate seemed now to be straight and open. On December 3, Meadow qualified as the executor, and Ordinary Bacon inserted his legal notice in the *Oglethorpe Echo* notifying 214 claimants from eleven states and the Republic of Mexico that application was being made for the probate of the Smith will in solemn form and citing them to appear in Lexington on the first Monday in January, 1918, "when said application for probate will be heard, and show cause, if any you have or can, why the prayers of said

petition should not be granted and said will probated in solemn form."¹¹

But the road was far from straight and open, for it seemed destined that the settlement of the estate was to be buffeted around by one sensation after another without end. Before Ordinary Bacon's court could meet in January, Meadow died, and there immediately arose the question of who should now succeed him.¹² Since Meadow had been appointed in the will to be executor and charged with the settlement of the estate, would not the administrators of the Meadow estate automatically succeed to this duty of also administering the Smith estate? The Meadow estate did not claim administratorship, and two of the former administrators, Andrew C. Erwin and Louis K. Smith, with the addition of James S. Shehane, asked to be appointed permanent administrators.¹³

In vain is the net spread before the birds of the field and woodlands. No sooner had the will been discovered, than flank, frontal, and rear attacks were being made against its acceptance and probate. Mrs. Bettie Hartline (of the Boat-right line) laying claim by descent through a sister of Colonel Smith's mother said that the document was never intended to be a will and that Colonel Smith had made it as a sham to keep his two nephews satisfied with their poor wages; and she said further that even if Colonel Smith had originally intended it to be a true will, he had revoked it "and threw it away with the intention of destroying it." She asserted as a fact, acting of course through her lawyers, that Colonel Smith had made a will in 1904 and another in 1915, in neither of which was mentioned anyone in the old 1885 document. How she came by all of this intimate and remarkable information, she never explained.¹⁴ Mrs. Nannie Nash (of the Boat-right line), who had at first laid no claim, apparently not satisfied with \$2,000 which had been left her in Smith's will, now entered into the contest and wanted the case removed to the United States District Court for Northern Georgia.¹⁵ The ever-present Ballew was making himself a nuisance to almost everybody, and the Eatons from Kansas City had not yet surrendered.¹⁶

At the January hearing the will was probated "in solemn form," but an appeal was taken and as a result of all these complications, the petition of Erwin, Smith, and Shehane to be

made permanent administrators was held over until the February term of the Court of Ordinary and at that meeting they were confirmed; but though the will had been probated "in solemn form" at the January hearing it was now on appeal, and the permanent administrators could not take charge until the matter was cleared up. During all these moves and counter moves, the original temporary administrators had been in charge of the estate and were to continue for a time yet.¹⁷

There had to be a final reckoning with W. W. Ballew and it was to come in March, 1918. Ballew had been saying that the true will of Colonel Smith had been buried with him or otherwise destroyed and that there had been developed a conspiracy between the two principal contending factions, the Zadok et al. group and the Jennings claimants, also participated in by administrators Erwin and Meadow, to conceal the 1885 will until it was finally brought out. Their purpose, he contended, was to tie up the estate in endless litigation until they themselves would be able to "gobble up" the estate and cheat the legitimate heirs out of it. It seems he made these charges after he had tried to "make a deal" with them whereby they would join up with his Boatrigh claimants and get something out of it for everybody, instead of all "being worse off at the end than they were at the beginning." In late November, the grand jury of Oglethorpe County indicted Ballew for criminal libel and also for barratry in that he had approached various people in his attempts to work up his Boatrigh claims.¹⁸ In helping to bring this indictment, Louis K. Smith, a nephew of Colonel Smith's and one of the administrators, said that forbearance was no longer a virtue and the "defamation of the dead shall no longer pass as a hall-mark of virtue for the infamous and lying defamer."¹⁹

By this time there had been great indignation aroused not only against Ballew but also against the generality of those claimants who to promote their claims were stooping to unfathomable depths of slander and perjury against the good name of Colonel Smith—in ghoulis fashion trying to get money which in no sense they had a right to, bringing outrageous charges which nobody believed, not even themselves—"a reflection upon the courts and a sad commentary on the times and on the people."²⁰

The husband of one of Colonel Smith's nieces brought charges

of perjury before the United States Commissioner in Athens against one of the Ballew deponents who said that Colonel Smith had told him that Robert Toombs was his father and that Toombs had given him \$50,000.²¹ As a final blast against Ballew before his trial, James O. Mitchell, who had married a niece of Colonel Smith's, and others of Smith's kin issued a bitter attack against Ballew. This Texas lawyer had reached the "acme of fabrication," when he got a "few unprincipled men and deluded women, to whom perjury appears to have been a pastime," to swear that Colonel Smith had told them that he was born out of wedlock and that Toombs was his father and had given him \$50,000. Mitchell and the others said further that the situation had resolved itself into the question of whether the "good name of both living and dead, can be ruthlessly besmirched" and whether the courts "can be continuously imposed upon by unscrupulous and conscienceless people, bringing unrighteous and mercenary actions through colossal false swearing, perjury and forgery for the sole purpose of gain?"²²

Preparing for his defense, Ballew secured a letter from Corsicana, Texas, signed by the judge of the court there, attesting Ballew's good character and standing in the legal profession in Texas, and endorsed by all of the lawyers in Corsicana except one and by many of the citizens including an ex-mayor, an ex-speaker of the Texas House of Representatives, and other former members of the Texas legislature.²³ In March Ballew was tried in the Oglethorpe Superior Court and acquitted²⁴ and in subsequent proceedings against him all charges were dropped "for the want of evidence sufficient to authorize a conviction."²⁵

The Nash-Boatright claimants were among those who had objected to the probate of the will in January, and they had appealed to Judge William T. Newman of the United States District Court in Atlanta. Judge Newman remanded the case back to the Oglethorpe Superior Court, to which it had been appealed by other claimants. Also the Jennings claimants had not yet given up hope and Judge Speer was hanging on to this case by a slender thread. They were claiming that there was a residue of the estate amounting to more than half of it which was not covered by the will. There was a technicality in the will that might be argued in their favor. Only the "real estate"

was devised by Colonel Smith to his two nephews, John L. and Robert A., and provision made for this property to descend to any child or children of these two nephews. Neither nephew lived to receive his inheritance, which was made up of two parts: the real estate, which must descend to the children, and the "residue," the disposition presumably being completely in the power of the nephews. But since the nephews never lived to receive this residue, then to whom should it go? It was perfectly clear what should happen to the real estate. Judge Speer reserved his decision to see what the state courts held regarding the will, and with the setting up of the will, the Jennings case faded out.²⁶

The Eaton lawyers began assiduously and effectively to work up a case so convincing that for a time even the most sanguine of the Zadok Smith counsel began to feel the tingles of fear running up their spines. These were undoubtedly the most difficult to down of the many sets of claimants. It was not necessary for the Eatons to get the will set aside to participate in the division of the estate, for under the laws of inheritance in Georgia a wife and children must come in for a part.

The Eatons and their lawyers had been able to accumulate a mass of evidence which might well convince a jury that Colonel Smith did marry on December 15, 1871, the woman whose daughter was the Mrs. Eaton in this suit. Both Mrs. Eaton, her mother, and her husband were in Athens and Lexington, helping to assemble evidence. They had pictures of Colonel Smith, letters which they said had been written to his "wife," the marriage certificate, and various depositions. When the case came to trial in April, 1918, in the Oglethorpe County Superior Court, both Mrs. Eaton and her mother (Mrs. Miller) took the witness stand and made a profound impression on the jury by the intimate and complete knowledge they had of Colonel Smith. Mrs. Miller testified as to the wen on the neck of her husband, bad eyes, injured finger, and exhibited letters which appeared to be in the handwriting of Colonel Smith. The lawyers for the Zadok Smith claimants were themselves impressed with the complete manner in which the Eatons had studied the record of Colonel Smith and been coached on his physical appearance and personal characteristics. They were fearful of the results.

Then the greatest sensation of the sensation-studded rami-

fications of the Smith estate case was sprung. One of the Zadok Smith counsel had been laboriously searching the old Oglethorpe County court records and had the almost unbelievable good fortune to discover an entry in the Minutes of the Oglethorpe County Superior Court for 1868-1871, listing James M. Smith as serving on the Grand Jury and later in the term on "Special Jury No. 2," in Lexington, Georgia, at the very time the Eatons were contending that Smith had been in Ohio and had married the Eggleston girl, who after several more marriages became the Mrs. Miller who was now plying her case before the court. This shot fired in the "Third Battle of Lexington," if not heard around the world, was heard at least all over the United States. The Eaton case completely collapsed; the lawyers withdrew their case without letting it go to the jury.²⁷

But Mrs. Hartline was not yet satisfied that part of the fortune was not hers. Asserting that she was a cousin of Colonel Smith's, her lawyers presented her argument for part of the estate. It took the jury only twenty minutes to return a verdict sustaining the will. Her lawyers appealed for a new trial. The appeal was heard in June and denied. They appealed this decision to the Georgia Supreme Court, but soon withdrew this action, and now for the first time in more than two years there was no litigation before any court. On June 24, the Ordinary made permanent the appointment of administrators, and turned over to Erwin, Smith, and Shehane the Smith estate.²⁸

These permanent administrators now hurried along the winding up of that part of the estate which had not been done by the temporary administrators for the past two and a half years. Beyond paying out for the expenses of administration, the temporary administrators had had to invest any accumulations of money, which were considerable, and they had as a practice put these liquid assets in Georgia State bonds. But now the permanent administrators, as fast as the liquid assets fell into their possession, passed them on to the sole heir, Mrs. James F. Shehane. During the years 1918 and 1919 she received such sums as \$330,670, \$179,700, \$6,500, and so on, amounting to almost \$1,100,000.²⁹ And in addition she received a great deal of real estate in Athens and Clarke County and in other parts of the state, bidding it in for about \$340,000.³⁰ The administrators advertised and sold various tracts in Oglethorpe

County and in other sections of the state, employing a realty company to carry out the sales. Most of the lands lying in Oglethorpe and Madison counties had already been sold by the temporary administrators.³¹

Having disposed of most of the real estate by August of 1919, the administrators asked for release. On August 9, Judge Bacon accepted their resignations and appointed Mrs. Shehane "administratrix de bonis non," which in the language of the layman meant that she was in charge of administering the remainder of the estate. Her bond was fixed at \$150,000.³² They turned over to her \$177,518 cash in banks, more than a thousand shares of stocks in various enterprises (some worthless), a few thousand dollars of United States bonds and Georgia Railroad and Banking Company bonds, about \$427,000 in notes receivable (not all collectable), 582 acres at Smithonia, the Smithonia and Dunlap Railroad and equipment, and two Fulton County lots of land.³³ Also they turned over to her several claims for wages of workmen and other nuisance claims. With all the confusion and complications of court records, records of the administration in their various reports to the Court of Ordinary, stacks of vouchers, and other records, it would be impossible to arrive at the exact sum of her inheritance—whether \$2,500,000 or \$1,000,000, guesses that have been made.³⁴ The amount was undoubtedly something less than \$2,000,000. But this included various amounts which she paid out in administration expenses and in the settlement of workman's claims for back wages and of the claims of various kindred.

But in the meantime the administrators had paid out for expenses of settling the estate a great deal of money, by various court orders and under their own authority. The temporary administrators received for their services over a period of two and a half years, according to the commissions allowed by law, about \$75,000. The permanent administrators, who served for about a year and who had much less business to transact, received a much smaller sum. The lawyers whose services were a charge against the estate received about \$275,000, with the bulk of it going to the attorneys for the Zadok Smith claimants. A lawyer was assigned to each administrator, appraiser, and receiver, including the lawyers, appraisers, and receivers which Judge Speer's court appointed. Of course most of the lawyers who got into the case received nothing from the es-

tate; their fees, wherever they were able to collect, came from their own unsuccessful clients. There were many smaller charges against the estate, some of which were incurred before Colonel Smith's death, such as \$5,000 to Dr. Hugh H. Young for physician's services and \$7,953.80 to David W. Meadow for legal services. And legacies in the will were distributed wherever it was possible to find the legatees who could qualify. Judge Alexander S. Erwin was now dead, but the \$5,000 left to him was distributed equally among his six children. The estate of David W. Meadow, who died soon after the will was found, received the legacy devised to him. Many of the workmen and tenants had disappeared or were unable to qualify as tenants at the time of Colonel Smith's death, but others received their legacies.³⁵

Mrs. Shehane as administratrix de bonis non had two sets of problems to wrestle with: the claims for part of the estate, by a great many descendants of Colonel Smith's three half-brothers, and the claims of about a dozen workmen and of various other people. Mrs. Shehane tried to deal fairly with all the Smith family kin without regard as to whether or not they had any legal claim on the estate. She had a great deal of money now and she was not going to be stingy with it. Each of three of the kindred received \$17,500; eleven received \$4,000 each; others received smaller amounts.³⁶

The temporary administrators had attempted to meet the claims of the workmen who asserted that they had not been paid their full wages by Colonel Smith, and had succeeded in some instances in coming to a settlement. Taylor O. Estes, who was in charge of the Smithonia and Dunlap Railroad, claimed unpaid wages amounting to \$28,807.83. On October 10, 1917, he accepted a settlement for \$16,250. Early in 1918 three of Colonel Smith's former workmen entered suit against the estate for a total of \$329,734.46. Here seemed to be an opportunity for lawyers to get something out of the estate, not by representing claimants purporting to be heirs, but by representing unpaid workmen. J. R. Patton said that he had been employed by Colonel Smith since 1878 as an overseer, and had received only \$24 to \$30 a year. He claimed \$204,798.69 in back pay. John W. Norris, who said he began working for Colonel Smith in 1869 as an overseer, mechanic, and railroad man, claimed

a balance due on wages of \$90,722.03; and Luther Huff said that he had been employed for twenty years as a blacksmith and that he would settle his claims for \$34,217.74. Patton compromised for \$15,000; two other claimants, E. W. Johnson and James D. Patton, settled respectively for \$13,389 and \$6,425.82.³⁷

Administratrix Shehane settled the other claims which she thought had merit, including a compromise with Norris for \$14,000; and in Januray, 1920, she asked the Court of Ordinary for dismissal, as all the obligations of the estate had now been settled. There immediately went up a great chorus of objections, participated in by almost a dozen voices. Among them was David A. Stephens, who presented a claim of \$5,000 against the estate; Nancy Harris wanted \$30,000; the Oglethorpe County Tax Receiver, Ed. J. Bray, objected because the estate had not paid \$100,000 back taxes which it owed the county; Phil W. Davis, Jr., whose father had received a legacy in the will of \$1,000, was pressing certain claims; Luther Huff was still wanting his \$34,217; John W. Norris had been able to discover that the estate owed him further debts of \$1,800; and the mulatto Fletcher Kidd, who had been mentioned in the will for a legacy, was now claiming \$50,000 in back pay. Not objecting at this time, but later suing the estate for \$10,000 was John J. Dixon. His case was unusual, since he was claiming a legacy had been left to him in the will; but as his name was not actually mentioned in the will, he was probably claiming through someone who was mentioned. Huff's claim was finally settled "by agreement" in 1921.³⁸

Fletcher Kidd (Fletch as he was generally called) had been an important man on Colonel Smith's plantation, and he wanted to continue to be important after the Colonel's death. While he was trying to get his claim of \$50,000 settled, he began dealing in real estate. In 1919 he bought three tracts of the Smithonia land, amounting to 403 acres, for \$18,088.25. Not having the money necessary to make payment he borrowed \$10,000 from one person and other amounts from others, giving mortgages on the land. In the end his creditors got the land; but he continued to sue for his \$50,000. By 1925 he was asking for no specific amount, leaving that to the jury to decide. He lost; his lawyers asked for a new trial; and his case was finally

dismissed in 1926. Years later he moved away to Cleveland, Ohio, where he died sometime in the middle 1950's.³⁹

The Shehanes, who had been generous to the other Smith kin, remained in Crawford, the principal town apart from Lexington, in Oglethorpe County, where James F. Shehane had originally been manager of a cottonseed oil mill. Having been modest and respectable citizens, they continued so, despite the huge fortune that had fallen into their lap. They were liberal with their money, but not to make an extravagant show. In 1919 they gave \$25,000 toward the \$75,000,000 goal the Georgia Baptist Convention had set in a fund-raising campaign. And they paid for painting the Crawford Baptist Church inside and out and for a new carpet. To a lady in Athens, they gave the house in which she was living. They put electric lights in the public square of the town. Associated with another person they gave \$450 in prizes to the Corn and Pig Clubs of Oglethorpe County; and with their "characteristic generosity," they gave a gold medal to the pupil in high school who had perfect attendance.⁴⁰

Not entirely selfless, they first remodeled their old home by putting in conveniences not before enjoyed; and a little later they built a "beautiful new home" on the Lexington road. Her husband being a deacon in the Baptist church and Mrs. Shehane being a faithful member, she could engage in no more profane pastime than to belong to a "rook club." Her comings and goings were now beginning to appear in the social columns of the *Oglethorpe Echo*: Mrs. Shehane was shopping in Athens yesterday; relatives were visiting her; she was visiting relatives; she gave a turkey dinner to honor her husband on his birthday; a young son or daughter had been visiting somewhere or was being visited by young friends. It was all a very wholesome picture of a valuable family in the community, using its sudden wealth in a respectable fashion. Probably the most worldly and showy pastime of James F. Shehane was to enter the heavy car races at Crawford, and win second prize.⁴¹

Of course, James F. Shehane could not spend the remainder of his life sitting on a bench in the public square of Crawford, in the shade of a chinaberry tree by day and under one of his electric lights by night. He would not sit and let his money invested in good stocks and bonds work for him, while he idled his time away. He would work with it and help to build

up his home community, and in thus helping himself he would be helping others. His money should not become the servant of Wall Street, Washington, or Atlanta, working for people far away. With hundreds of thousands of dollars and some interest in business and with many willing friends to tell him how best he should employ his money, naturally he entered upon a business career. In July, 1919, Mrs. Shehane gave him full and complete control of all her property, and in August following when she became administratrix of the Smith estate, she turned over to him complete authority to transact all business in connection with the estate and to perform "every act and deed according to his judgment and discretion in connection with the management and control of the property of said estate that I might or could do as Administratrix."⁴² He immediately began plunging into a half dozen unrelated business enterprises. One of his first activities was to build in Athens a \$200,000 moving picture theatre, called the Palace. A little later he built another in Crawford. He bought some large timber tracts from which he expected to cut from 40,000,000 to 50,000,000 feet of lumber, and he became one of the incorporators of the Buffalo Lumber Company, with a capital of \$100,000, which expected to cut 100,000,000 feet of lumber and extend the Lexington Terminal Railroad into the region to bring it out. He set up a hog farm which he called the Bunker Hill Duroc Farm, and which he hoped would serve as a model for Oglethorpe farmers to follow in raising swine. In 1924 he petitioned for the incorporation of the Dixie Farm, Dairy and Poultry Company. He already had 500 hens and was expecting to increase his flock to 2,000, and he had a herd of high grade cows now numbering a dozen. Establishing businesses inside the town of Crawford, he set up a modern blacksmith shop with paint and repair departments; he entered the wagon and buggy business, specializing in Studebaker wagons and offering "terms to suit your convenience"; and he set up a general merchandising establishment, dealing in dry goods and notions, groceries, and feed stuffs.⁴³

And if all these activities were insufficient to absorb his energy and capital, he engaged in the banking business in Crawford, becoming president and director of two banks which merged;⁴⁴ but the enterprise that looked much like a South Sea Bubble was the Oglethorpe Seed and Stock Farm Com-

pany, to be capitalized at \$500,000, whose purpose was "to engage in that of agriculture, horticulture, live stock and poultry farming, and kindred industries, . . . to operate dairies, cotton gins, flour mills, grist mills, lumber mills, syrup mills, canning and preserving factories, warehouses and mercantile businesses, either as accessories to its other businesses above mentioned, or as independent enterprises, or both, . . . to lease, rent, buy, own, manage and sell lands and other property suitable to its other corporate purposes, and also all other lands and properties of all kinds, . . . [and] to engage in all other businesses and do all other acts such as may be legitimately associated with its other businesses above mentioned, or may be conveniently undertaken in connection therewith." The incorporators were James F. Shehane and four other persons.⁴⁵ This company was to be quite different from, and yet suggestive of, one in the age of speculation a few hundred years previously which had been organized for a purpose not yet divulged.

Shehane acting alone dealt widely in lands and other real estate, especially in Athens; and he made dozens of purchases of lots in Crawford and of lands in the surrounding regions.⁴⁶ He also engaged in lending money. To one business in Athens his loans amounted to nearly \$100,000.⁴⁷ Soon he was borrowing money in order to lend it; but this was good business if his loans proved good, for he was borrowing money at 6½ per cent from insurance companies and lending it at 8 per cent. If Shehane's loans had been considered good, the insurance companies would likely have been there first. In 1920 he borrowed \$75,000 from the Life Insurance Company of Virginia in this business of making 1½ per cent profit. Also he was borrowing money to put into the many enterprises that he was trying to set going: \$20,000 from the John Hancock Mutual Life Insurance Company, \$37,000 from the Life Insurance Company of Virginia, \$47,000 from a private individual, \$50,000 from the Mortgage Insurance Company, \$40,000 from the Atlantic Life Insurance Company, \$60,000 from the State Mutual Life Assurance Company of Massachusetts.⁴⁸ All of these transactions were before the first financial disaster struck Shehane, late in 1924.

Hard times bred by the great expansion of business through easy credit following the First World War were not beginning to make themselves felt sharply. Speculation in land and lum-

ber had swept Oglethorpe County and the surrounding regions, as indeed had speculation in almost everything swept the whole nation. Now lumber mills were closing down everywhere, farm prices were dropping, banks were calling in their easy loans and not getting them and were taking over the whole country, and the boll weevil was now making itself oppressively felt. Banks could not get the dollars out of real estate which they had put in, and they began to crash.

Shehane had had a touch of hard luck when his blacksmith shop and some other properties burned in 1921 with a loss of \$10,000 with no insurance; but his road to financial ruin he began traveling fast in October, 1923, when his Farmers Bank failed. Seeing danger ahead, two weeks before the crash he had borrowed \$60,000 from the Guaranty Trust Corporation of Georgia, and three days before the bank closed its doors, he borrowed \$15,000 from the Georgia National Bank in Athens. During the next two years banks failed in Oglethorpe and adjoining counties until hardly one was left. In April, 1925, the Georgia National Bank in Athens failed, carrying more ruin to Shehane and many others, stockholders, depositors, and borrowers. In 1925, Shehane borrowed his last larger sum, \$22,500, on the building which Colonel Smith had erected on the Speer property. From this time on for the next five years the properties which Shehane had mortgaged were being sold off and in 1930 the last remnant of the once mighty empire of Jimsmithdom went under the sheriff's hammer: one rusty old locomotive named "The Rhode Island," one combination passenger and baggage car labeled "No. 10," and one flat car. As a final act in this financial tragedy the Shehane mercantile business went into bankruptcy in 1931 and the Shehane house burned down with almost everything in it. Remembering this unfortunate family which in its affluence had been so generous to the town of Crawford, the citizens helped to furnish another house, which the next year likewise burned.⁴⁹ Had Job of old ever suffered so much!

It might have been better had the Shehanes fared like Mark Twain's German shoemaker; but the courts and lawyers had not been so generous to themselves as had the three passengers on the Mississippi River steamboat. They gave much more to the Shehanes than a dollar-and-a-half chromo, which the shoemaker got. But the Shehanes did not spend the rest of their lives

nursing bitter memories. They deserved a better fate than inheriting a million and a half dollars; a dollar-and-a-half chromo might have served them much better. And others who shared in the Smith estate got more pain than pleasure out of their gleanings. As one who knew whereof he spoke observed almost fifty years later, "All money out of the estate was trouble money." They entered the same boat with the San Francisco bum. By the time of the downfall of the Shehanes, not only had the Smithonia empire crumbled, but sleeping the long sleep with Colonel Smith were many of the judges who had played a part in the settlement of the estate, also almost every administrator of the estate and all the witnesses of the will. And now all that Colonel Smith had left from his years of hard work, self-privation, and economy was a granite mausoleum on the top of a knoll by the banks of the Oconee River.

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As for Colonel James Monroe Smith few people ever understood the man as a whole while he was living; and the life that they awarded him after death was bizarre. Hearsay took charge and people began remembering the sensational assertions and slanders made by those who were trying to secure his fortune. From actual life they remembered only the unusual. In his latter years he was large and ungainly looking and ill kept in his dress; and Smithonia House began to take on a ragged and unkept look. They remembered him as a bachelor with no permanent white woman to keep a tidy and cultured atmosphere around the place—only Negro cooks and servants and little Negro boys to run errands. If Colonel Smith had had a wife his house and front porch would not have been his office. There would have been a neat commodious brick building somewhere else where his business would have been transacted.

Colonel Smith was a rich man among many poor farmers. The baser human nature of some of these people resented his riches, and made them wonder why fortune should be partial and smile on him instead of on them. His strict attention to his business and his eternal rule of getting everything that was due him but no more, which he carried out in directing his workmen and in all his relations with his fellowman—these

traits led to charges of stinginess and cheating. He should have been saved from some of his friends. He had a vast insight into human nature, but even so it was not keen enough to fathom the reason why some of his friends were his friends. His vast wealth made some sycophants. Such friends were the first to desert him. Though Colonel Smith was not a vain man, the praising of him to the skies that some of his friends did for ulterior purposes, led him sometimes to make wrong decisions. If he had not been urged on at every turn by some of his friends, he most likely would never have entered the race for governor in 1906. Escaping the smut and slanders of that contest, Colonel Smith's reputation would always have been on a higher plane.

Colonel Smith's leasing of convict labor could not be laid to the influence of his friends; that mistake he himself made. As respectable as were other convict lessees, such as John B. Gordon and Joseph E. Brown, Colonel Smith was never to be allowed by hearsay to claim such company. Though he was never convicted of having treated his convicts barbarously nor ever to have engaged in peonage, the fact that he was charged with being guilty of both was ever after to be remembered against him. And so, if an enquirer fifty years after his death should ask anyone within a hundred miles of Smithonia for an opinion of Jim Smith, he would seldom receive a commendatory answer. Indeed as Shakespeare said,

The evil that men do lives after them;
The good is often interrèd with their bones.

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NOTES

EXPLANATION OF ABBREVIATIONS IN THE FOOTNOTES.

The frequent repetition of *Oglethorpe Echo* has led to shortening the name of this newspaper to *Echo*. In all citations to newspapers, the first number within the parentheses refers to the page, and the following numbers indicate the columns.

CHAPTER I

1. The unpublished United States Census for 1850 (Population Schedules, Wilkes County, Georgia, Roll 67, page 38) gives Zadok Smith's age as 63, and for 1860 (Population Schedules, Wilkes County, Georgia, Roll 31, page 34) as 70. These are microfilms in the University of Georgia Library.
2. William J. Northen, ed., *Men of Mark in Georgia* (7 vols., Atlanta, 1907-1912), VI, 49. James M. Smith provided the information contained in the sketch of his life, here, written by T. W. Reed. See also Samuel A. Echols, *Georgia's General Assembly of 1878. Biographical Sketches of Senators, Representatives, the Governor and Heads of Departments, Illustrated with Portraits* (Atlanta, 1878), 144. In each of the above works, the biographical sketch of Smith is accompanied by a portrait of him.
3. Zadok Smith was a captain in the Wilkes County Militia from April 15, 1822, to June 26, 1824. MS Military Records Book, 1808-1829, p. 83 (in Georgia Department of Archives and History, Atlanta, Ga.). See also Northen, ed., *Men of Mark in Georgia*, VI, 49; *Transcript of Record. United States Circuit Court of Appeals, Fifth District. No. 2928. Zadock Smith et als, Appellants versus Mrs. M. S. Jennings et als, Appellees. Appeal from the District Court of the United States for the Southern District of Georgia. Original Record Filed July 26, 1916, p. 213.* A copy of this restricted publication may be found in the Federal Records Center, General Services Administration, New Orleans, La. This work will be cited hereafter as *Transcript*.
4. *In the Supreme Court of the United States. October Term, 1916. No.—. Mrs. M. S. Jennings, et al., Petitioners, vs. Zadock Smith, et al., Respondents. Petition for Writ of Certiorari to the United States Circuit Court of Appeals for the Fifth Circuit. Response to Petition for Writ of Certiorari*, 18 (cited hereafter as *United States Supreme Court*); L. K. Smith, et al. *vs. J. T. Dalton, et al.*, Northeastern Circuit, Superior Court, October Term, 1916. Brief for Plaintiff in Error (a typescript of 26 pages, in the University of Georgia Library), 3-4 (cited hereafter as *Smith vs. Dalton*); *Oglethorpe County Minutes Superior Court, 1917* (in Office of Clerk of Court, Lexington, Ga.), 383.

5. Echols, *Georgia's General Assembly, 1878*, p. 144. In the unpublished United States Census for 1850 (Population Schedules, Wilkes County, Georgia, Roll 67, page 38) there is no other given name than James. Mary Mabry married Brewington Jones and lived to an old age, having no children. Her husband died in 1884, and thereafter she was cared for by her half-brother James. Smith *vs.* Dalton.
6. *Transcript*, 681, 762, 763; *United States Supreme Court*, 19; Echols, *Georgia's General Assembly, 1878*, p. 144; *Oglethorpe Echo* (Lexington, Ga.), March 24 (2, 1-2), 1916. In all citations to newspapers, the first number within the parentheses refers to the page and all following numbers refer to columns. This paper will be cited hereafter as *Echo*.
7. *Transcript*, 706-707; *Macon (Ga.) Telegraph*, April 19 (1, 2), 1916; *Athens Daily Herald*, February 26 (6, 1-2), 1916. On October 28, 1958, the writer was able through the assistance of Mr. J. H. Ware of Tignall, to locate the grave of Phoebe. The name is spelled Phebe on the tombstone.
8. For a history of Wilkes County, see Eliza A. Bowen, *The Story of Wilkes County Georgia* (reprint. Marietta, Ga., 1950), and for a close-up view of the part of the county where James M. Smith grew to young manhood, see Charles Danforth Saggus, "A Social and Economic History of the Danburg Community in Wilkes County, Georgia" (a Master's thesis in the University of Georgia Library).
9. Wilkes County Deed Record (in Office of Clerk of Court, Washington, Ga.), KKK, 14. Zadok drew a 490-acre lot in Appling County lottery. Oglethorpe County Deed Record (in Office of Clerk of Court, Lexington, Ga.), NN, 491. Also Zadok owned a 202½-acre lot in Pulaski County, which he had to buy from some lucky drawer, as the first lottery for this region was in 1803, two years before Zadok came to Georgia, and the second lottery was in 1806; but to participate in this lottery a person had to have been a resident of Georgia for three years. Since Zadok came to Georgia in 1805, he could not qualify for either lottery.
10. Unpublished United States Census for 1860, Agriculture Schedules, Wilkes County, Georgia, page 7. This is a microfilm in the University of Georgia Library.
11. Unpublished United States Census for 1840, Population Schedules, Wilkes County, Georgia, Roll 17, page 13; *ibid.*, 1850, Roll 73 (no page given); *ibid.*, 1860, Roll 33, page 39; *The Seventh Census of the United States: 1850*. . . (Washington, 1853), cii, 365; *Population of the United States in 1860; Compiled from the Original Returns of the Eighth Census*, . . . (Washington, 1864), 61; *Agriculture of the United States in 1860; Compiled from the Original Returns of the Eighth Census*, . . . (Washington, 1864), 227.
12. Unpublished United States Census for 1860, Population Schedules, Wilkes County, Georgia, Roll 31, page 34; unpublished United States Census for 1860, Agriculture Schedules, Wilkes County, page 7.
13. *Athens Weekly Banner*, September 9 (5, 2), 1890.
14. *Transcript*, 719.
15. *Ibid.*, 696.
16. *Ibid.*, 683.
17. *Ibid.*, 792; *Macon Telegraph*, April 11 (3, 2), 1916.
18. *Transcript*, 683.
19. *Echo*, December 17 (1, 4), 1915.
20. *Transcript*, 718; Echols, *Georgia's General Assembly, 1878*, p. 144; Northen, ed., *Men of Mark in Georgia*, VI, 49-50; *Echo*, September 22 (1, 1), 1905; March 10 (3, 2), 1916.
21. *Echo*, October 7 (1, 2-3), 1904.
22. According to the biographical sketch in Echols, *Georgia's General Assembly, 1878*, page 145, Smith had

- read law but did not practice it. See also *Echo*, October 7 (1, 2-3), 1904; December 17 (1, 4), 1915; March 13 (3, 3-4), 1931.
23. *Transcript*, 470; *United States Supreme Court*, 20. The president of Hiwassee College at the time when Smith was there was said to have been a cousin of David Crockett. *Echo*, April 7 (1, 5), 1899. According to a letter from B. D. Benton, Director of Student Recruitment and Public Relations of Hiwassee College, May 20, 1958, to E. M. Coulter, Smith was graduated in 1861 and there were only two in the graduating class.
 24. Echols, *Georgia's General Assembly*, 1878, p. 145. For an account of conditions in East Tennessee at this time, see E. M. Coulter, *William G. Brownlow, Fighting Parson of the Southern Highlands* (Chapel Hill, N. C., 1937), 134-207.
 25. Echols, *Georgia's General Assembly*, 1878, pp. 144-45; *Transcript*, 545, 657.
 26. Northen, ed., *Men of Mark in Georgia*, VI, 50; Echols, *Georgia's General Assembly*, 1878, p. 145; *Echo*, April 7 (1, 5), 1899.
 27. *United Circuit Court of Appeals. Fifth Circuit. No. 2928: Zadock Smith et al., Appellants, vs. Mrs. M. S. Jennings et al., Appellees. Appeal from the District Court of the United States for the Southern District of Georgia. Brief for Appellants* (cited hereafter as *Brief for Appellants, Smith vs. Jennings*), 14-15, 49-50; *Smith vs. Dalton*, 8-9; *Macon Telegraph*, April 9 (12, 3), 1916; *Athens Weekly Banner*, September 9 (5, 2), 1890. In a biographical sketch of Smith in G. F. Hunnicutt, ed., *David Dickson's and James M. Smith's Farming* (Atlanta, 1910), page 201, no mention is made of his war career. (This work is cited hereafter, Hunnicutt, ed., *Dickson and Smith*.) The sketch in the *Jackson Herald* (Jefferson, Ga.), December 16 (1, 3), 1915, dismissed Smith's war years by saying that as his eyesight was bad "he was transferred to lighter service" and returned to Georgia "after the war." In 1891 Colonel Smith addressed a Confederate Soldiers reunion in Lexington for about twenty minutes, making "a happy talk" and having "something good to say and he held the rapt attention of his hearers throughout." *Echo*, August 7 (1, 4-5), 1891.
 28. Interview of Charles R. Koch, Managing Editor of the *Farm Quarterly*, Cincinnati, Ohio, with Hamilton McWhorter, Jr., Lexington, Ga., June 17, 1958. Transcript in possession of the present writer.
 29. Interview of Charles R. Koch, Managing Editor of the *Farm Quarterly*, Cincinnati, Ohio, with T. H. Hancock, Smithonia, Ga., June 17, 1958. Transcript in possession of the present writer.
 30. *Transcript*, 436, 657, 695; *Hawkinsville (Ga.) Dispatch and News*, February 9 (4, 4), 1916; *Macon Telegraph*, April 11 (3, 2), 1916.
 31. *Georgia, Historical and Industrial* (Atlanta, 1901), 783; *Transcript*, 471; Charles R. Koch, "All the Land That's Next to Mine!" in *Farm Quarterly* (Cincinnati, Ohio), Vol. 13, No. 3 (August, 1958), 99 (cited hereafter as Koch, "All the Land"); *Atlanta Sunday American* (mail edition), December 12 (1, 5), 1915; *Echo*, September 28 (1, 4), 1888; February 10 (5, 4), 1899; March 13 (3, 3-4), 1931; *Washington (Ga.) Reporter*, December 14 (5, 2), 1915.
 32. Echols, *Georgia's General Assembly*, 1878, p. 143.
 33. Oglethorpe County Tax Digest, 1852-1866 (in Office of Clerk of Court), p. 27; Oglethorpe County Deed Record, V, 162, 309, 341, 477-80; *Echo*, June 15 (5, 5), 1888.
 34. *Atlanta Georgian*, August 28 (1, 3), 1908; *Echo*, June 15 (5, 5), 1888; April 14 (1, 5), 1899; October 7 (1, 2-3), 1904; Hamilton McWhorter, Jr., Lexington, Ga., July 26, 1958 to Charles R. Koch, Cincin-

- nati, Ohio. Copy in possession of the present writer.
35. *Weekly Banner-Watchman* (Athens, Ga.), March 30 (3, 4), 1886.
 36. *Hon. James M. Smith's Candidacy. Why He Should Be Elected Governor of Georgia* (a four-page campaign document, cited hereafter *Smith Candidacy*); *Echo*, March 13 (3, 3), 1931.
 37. *Transcript*, 716.
 38. Oglethorpe County Deed Record, NN, 491; *Transcript*, 475, 765-68; *Smith vs. Dalton*, 4-5; Hunnicutt, ed., *Dickson and Smith*, 202; *Echo*, April 14 (1, 5), 1899.
 39. Hunnicutt, ed., *Dickson and Smith*, 201-202; *Echo*, April 14 (1, 5), 1899.
 40. Oglethorpe County Deed Record, EE, 383. The statement that Smith owned 8,000 acres in 1872 would have to include all his lands not only in Oglethorpe and Madison counties but also his land lottery lots and his Wilkes County lands.
 41. Oglethorpe County Deed Record, W, 263-64.
 42. *Ibid.*, NN, 444, 460, 466, 477, 487, 488; 00, 299-300.
 43. *Ibid.*, AA, 221; GG, 615-16; NN, 442, 443, 451, 454, 467-69, 473-75, 481, 483-84, 487-88; 00, 285, 288, 369, 392-94, 405-406.
 44. Madison County Deed Record (in Office of Clerk of Court, Danielsville, Ga.), N, 361, 365, 369, 373, 375.
 45. Oglethorpe County Deed Record, AA, 222; BB, 33; 00, 370; X, 25-26, 339-40, 359.
 46. Madison County Deed Record, F-2, 468.
 47. These calculations were made by the author from the voluminous deed records in the courthouses of Oglethorpe County (Lexington) and Madison County (Danielsville).
 48. For instances, see Clarke County Deed Record (in Office of Clerk of Court, Athens, Ga.), QQ, 579; RR, 328-29; SS, 584; VV, 150; ZZ, 156-57; No. 19, p. 67; Elbert County Deed Record (in Office of Clerk of Court, Elberton, Ga.), RR, 42, 322-23; Greene County Deed Record (in Office of Clerk of Court, Greensboro, Ga.), No. 4, pp. 403-404; Wilkes County Deed Record, A-44, pp. 64-65; A-46, p. 224.
 49. For due and unpaid bonds which Colonel Smith held, early in 1915 he received 3,681 acres in Bacon County and 3,200 acres in Appling County in addition to certain town lots in Hawkinsville. Pulaski County Deed Record (in Pulaski County Courthouse, Hawkinsville, Ga.), 10, 629-31, 632-34.
 50. These statements are based on more than two hundred purchases and sales of land recorded in Oglethorpe County Deed Records and more than one hundred and fifty in Madison County Deed Records. References to individual purchases and sales may be easily found in the general index volumes in the Office of the Clerk of the Court in each County.

In some of the deeds it is not clear whether there was being made an outright purchase or a loan with a mortgage on the land. The language in many of the deeds made it difficult, if not impossible, to follow a tract of land from its purchase to its sale, in order to determine whether there was a profit or loss. It might well be expected that there would be a tendency for Colonel Smith to sell the less desirable parts of his land.

CHAPTER II

1. *Report of the Production of Agriculture as Returned at the Tenth Census (June 1, 1880)*, . . . (Washington, 1883), 42. Although it is not numbered, this is Volume III of the Tenth Census.
2. *Echo*, July 1 (1, 3-5), 1887; June 14 (4, 4), August 9 (1, 3), 1889;

- August 13 (1, 4), 1897; March 6 (3, 2), 1903; May 10 (4, 1), 1907.
3. Hunnicutt, ed., *Dickson and Smith*, 14.
 4. *Jackson Herald*, April 3 (2, 4), 1903. See also *Athens Weekly Banner*, February 18 (6, 3), 1890.
 5. *Echo*, April 7 (1, 5-6), 1899.
 6. *Dahlonaga (Ga.) Nugget*, February 9, (2, 1), 1906; *Athens Weekly Banner-Watchman*, June 23 (3, 7), 1887; *Echo*, June 15 (5, 5), 1888; June 4 (8, 1), 1897; February 2 (5, 2), 1900.
 7. *Hawkinsville Dispatch and News*, December 15 (6, 1), 1915.
 8. *Athens Banner*, January 23 (1, 1), 1890; *Jackson Herald*, July 20 (3, 2), 1894.
 9. *Jackson Herald*, August 9 (2, 3), 1895; *Echo*, February 2 (5, 3), 1900.
 10. *Echo*, July 16 (3, 5), 1875.
 11. *Ibid.*, May 8 (8, 2), 1891; May 29 (2, 2), 1903.
 12. *Eatonton (Ga.) Messenger*, January 12 (2, 1), 1901. Green rye was generally regarded as "the finest feed that grows" for horses and mules. *Athens Weekly Banner-Watchman*, March 27 (1, 4), 1888.
 13. *Jackson Herald*, June 23 (1, 3), 1904; *Echo*, June 5 (6, 1), 1903; October 20 (2, 3), 1905.
 14. *Athens Weekly Banner-Watchman*, November 9 (1, 9), 1889; *Echo*, August 6 (3, 6), 1875; June 8 (5, 2), 1888; May 23 (4, 2), 1890.
 15. *Atlanta Constitution*, September 13 (13, 1-3), 1891; *Echo*, September 18 (1, 2), September 25 (1, 1-6), 1891.
 16. *Athens Weekly Banner-Watchman*, July 12 (1, 2), 1887; *Echo*, June 16 (5, 4), 1893.
 17. *Great Opportunity for Profitable and Wise Investment. Smithonia Plantation Consisting of 7,010 Acres Situated in Oglethorpe County, Ga.* (pamphlet, cited hereafter *Great Opportunity*), 4, 9; Harry Hodgson, "A Great Farmer at Work," in *The World's Work* (New York), IX, 3 (January, 1905), 5726; Echols, *Georgia's General Assembly, 1878*, p. 144; Hunnicutt, ed., *Dickson and Smith*, 206; (here it is stated that Smith made in some years 4,000 bales of cotton, 30,000 bushels of corn, and 15,000 bushels of wheat); *Echo*, July 16 (3, 5) 1875; March 28 (5, 2), 1890; April 14 (1, 5), 1899.
 18. *Athens Weekly Banner*, June 3 (5, 3), 1890; *Echo*, June 28 (2, 2), 1888; January 12 (5, 3), 1906. For the first quotation, see *Hawkinsville Dispatch and News*, December 15 (6, 1), 1915; for the second, *Jackson Herald*, May 22 (2, 1), 1903; for the third, *Echo*, October 7 (1, 2), 1904, quoting the *Athens Weekly Banner*.....
 19. *Athens Banner*, January 23 (1, 1), 1890; *Echo*, June 28 (4, 3), 1889; June 20 (4, 2), 1890; May 8 (8, 2), 1891; July 22 (2, 4), 1892.
 20. *Athens Weekly Banner-Watchman*, July 12 (1, 3), 1887; *Athens Weekly Banner*, June 3 (5, 3), 1890.
 21. *Great Opportunity*, 4, 6; Hunnicutt, ed., *Dickson and Smith*, 210-11; Hodgson, "A Great Farmer," 5732; *Echo*, May 8 (8, 3), 1891; April 21 (1, 5), 1899; June 5 (4, 1-2), 1914.
 22. *Echo*, April 13 (3, 6), 1888; June 3 (4, 1), 1892.
 23. *Athens Weekly Banner*, February 23 (4, 1), 1892; *Echo*, February 19 (1, 4), 1892.
 24. Quoted in *Echo*, February 8 (3, 4), 1901.
 25. *Jackson Herald*, March 1 (2, 4), 1901; *Echo*, January 20 (5, 4), May 12 (8, 2), 1893; February 8 (3, 2), March 1 (3, 2), April 12 (8, 4), 1895; September 6 (1, 4), 1901.
 26. Quoted in *Echo*, February 8 (3, 4), 1901.
 27. *Athens Banner*, May 16 (1, 5-6), 1905; *Echo*, June 4 (8, 1), 1897; January 25 (2, 4), 1901.
 28. *Athens Banner*, May 16 (1, 6), 1905.
 29. *Macon Telegraph*, January 25 (1, 7), January 26 (1, 1), 1905; *Echo*, January 27 (1, 4), February 24 (1,

- 4; 2, 3), March 3 (2, 5), March 10 (2, 4), March 17 (6, 1-2), December 1 (1, 2-3), 1905; June 14 (1, 4), 1907. For first quotation see *Atlanta Constitution*, February 16 (2, 3), 1892; for the second, *Athens Banner*, February 23 (1, 1), 1905.
30. *Jackson Herald*, December 5 (1, 2), 1907; *Athens Banner*, December 7 (4, 3), 1907.
31. *Dahlonega Nugget*, May 12 (2, 1), 1905; *Echo*, February 23 (7, 2), 1906.
32. *Echo*, April 8 (4, 1), 1892.
33. *Athens Weekly Banner-Watchman*, March 27 (1, 1), 1888; *Athens Weekly Banner*, May 20 (6, 2), 1904; *Echo*, April 23 (1, 3), 1897; February 23 (7, 2), 1906; May 26 (5, 2), 1911; July 30 (1, 5), 1915.

CHAPTER III

1. W. G. Cooper was the reporter. He entitled his article "Jim Smith's Plantation." It appeared with illustrations in the *Atlanta Journal*, April 1 (21, 1-7; 22, 4-7), 1899. It was reprinted without illustrations in the *Echo*, April 14 (1, 3-4; 7, 2-4), April 21 (1, 3-4; 8, 1), 1899.
2. *Athens Weekly Banner-Watchman*, June 28 (3, 3), 1887.
3. *Echo*, August 23 (3, 5), 1893. See also *ibid.*, April 14 (1, 5), 1899.
4. *Ibid.*, February 2 (5, 3), 1900.
5. *Ibid.*, April 14 (1, 4), 1899.
6. *Ibid.*, April 7 (1, 5), 1899.
7. *Ibid.*, April 21 (1, 5), 1899.
8. *Great Opportunity*, 6; Hunnicutt, ed., *Dickson and Smith*, 206; *Union Recorder*, February 27 (3, 4), 1906; *Athens Banner*, January 23 (1, 1), 1890; *Echo*, March 9 (3, 5), 1888; February 10 (5, 4), 1899.
9. *Echo*, May 10 (6, 3-4), 1889.
10. *Ibid.*, March 29 (1, 2), 1889.
11. *Great Opportunity*, 6; *Echo*, March 6 (1, 6), 1891; July 13 (1, 5), 1894; April 21 (1, 5), 1899. In 1891 he had a Holstein bull weighing 2,000 pounds. *Ibid.*, June 19 (5, 4-5), 1891.
12. *Athens Weekly Banner-Watchman*, May 25 (1, 4), 1886; *Athens Banner*, January 23 (1, 1), 1890; *Echo*, May 8 (8, 1), 1891; February 2 (5, 3), 1900.
13. *Georgia, Historical and Industrial*, 784; Hunnicutt, ed., *Dickson and Smith*, 206; Hodgson, "A Great Farmer," 5726; *Echo*, September 28 (1, 4), 1888; May 3 (1, 3), 1889; June 19 (5, 4-5), 1891; June 16 (5, 4), 1893; June 4 (8, 2), 1897; April 14 (1, 5), April 21 (1, 5), 1899; February 2 (5, 3), 1900.
14. *Echo*, April 14 (5, 4), 1893.
15. *Ibid.*, April 14 (5, 4) 1893; January 11 (3, 2), 1895.
16. *Ibid.*, December 19 (1, 4), 1890.
17. *Ibid.*, March 7 (1, 2), 1890. Colonel Smith "sold a fine lot of cattle" last week for the Augusta market. *Ibid.*, April 8 (4, 1), 1892.
18. *Union Recorder*, February 27 (3, 4), 1906.
19. *Hawkinsville Dispatch and News*, July 27 (4, 1), 1893.
20. Hunnicutt, ed., *Dickson and Smith*, 206; *Union Recorder*, February 27 (3, 4), 1906; *Athens Weekly Banner-Watchman*, August 30 (1, 3), 1887; *Echo*, November 29 (1, 1), 1889; May 8 (8, 2), 1891; June 16 (5, 4), 1893; April 21 (1, 6), 1899.
21. *Great Opportunity*, 6; *Athens Weekly Banner-Watchman*, June 28 (3, 3), 1887; *Echo*, April 14 (1, 5), 1899.
22. *Athens Weekly Banner*, October 25 (6, 3), 1892.
23. *Athens Weekly Banner-Watchman*, June 28 (3, 3), 1887; *Echo*, April 14 (1, 5), 1899.
24. *Great Opportunity*, 11; *Atlanta Constitution*, January 17 (11, 3), 1892; *Echo*, September 28 (1, 4), 1888; October 4 (8, 1), 1889.
25. *Athens Weekly Banner-Watchman*, February 6 (3, 5), 1883.
26. *Great Opportunity*, 5, 12; Hodgson, "A Great Farmer," 5732; *Union Recorder*, February 27 (3, 4), 1906; *Athens Weekly Banner-Watchman*,

- July 6 (1, 7), November 9 (1, 6), 1886; June 28 (3, 3), 1887; *Echo*, May 11 (4, 3), September 28 (1, 4), October 19 (2, 2), 1888; March 11 (8, 1), 1892; October 27 (7, 2), 1893; February 8 (3, 6), 1895; June 4 (8, 1), 1897; April 14 (1, 5), April 21 (8, 1), 1899; February 2 (5, 3), 1900. Colonel Smith did not operate his oil mill after 1909. *Transcript*, 733.
27. *Echo*, March 13 (3, 2), 1931.
 28. *Athens Banner*, May 11 (1, 2), 1893.
 29. *Atlanta Constitution*, March 25 (2, 3), 1879.
 30. Hunnicutt, ed., *Dickson and Smith*, 17-18.
 31. *Echo*, September 25 (1, 5), 1891.
 32. *Echo*, November 22 (1, 2), 1889. See also *Smith Candidacy*, 3 (col. 1).
 33. *Union Recorder*, February 27 (3, 4), 1906; *Athens Weekly Banner-Watchman*, March 30 (3, 4), 1886; *Echo*, October 19 (2, 2), 1888.
 34. *Great Opportunity*, 11, 13; Hunnicutt, ed., *Dickson and Smith*, 206; Hodgson, "A Great Farmer," 5732; *Athens Weekly Banner-Watchman*, January 3 (1, 8), 1888; *Athens Banner*, January 23 (1, 1), 1890; *Echo*, February 10 (3, 6), June 8 (4, 3), September 28 (1, 4), 1888; February 26 (8, 1), 1892; June 4 (8, 1), 1897; April 14 (1, 5), 1899. As an example of Colonel Smith's sales of guano, when the Stevens Company of Comer, Georgia, went into bankruptcy in 1908 it owed him \$10,000. See E. K. Lumpkin, Athens, Ga., February 20, 1908, to G. A. Johns, Winder, Ga., in Judge E. K. Lumpkin Papers.
 35. *Echo*, April 8 (4, 1), 1892.
 36. Clarke County Deed Record, DD, 683 (July 7, 1883); Greene County Mortgage Record (Greensboro, Ga.), 4, p. 167 (October, 1893); *Oglethorpe County Deed Record*, DD, 175-77 (September, 1889); DD, 204-205 (October, 1893); DD, 206-207 (October, 1893).
 37. *Echo*, March 9 (3, 5), 1888; February 12 (8, 1), 1892; February 8 (3, 6), 1895.
 38. *Echo*, January 15 (1, 1), 1892.
 39. *Ibid.*, March 8 (2, 3), 1895.
 40. Greene County Mortgage Record, H, 704-705.
 41. *Echo*, July 10 (5, 2-3), 1908.
 42. *Georgia, Historical and Industrial*, 784; *Great Opportunity*, 11, 12; *Athens Weekly Banner-Watchman*, March 9 (1, 2), 1886; *Echo*, June 15 (5, 5), 1888; August 5 (2, 3), 1892; June 5 (6, 1), 1903.
 43. *Athens Banner*, January 23 (1, 1), 1890; *Echo*, February 17 (3, 3), September 28 (3, 5), 1888.
 44. *Great Opportunity*, 5, 11, 13; *Athens Banner*, January 23 (1, 1), 1890; *Echo*, May 8 (8, 2), 1891; June 4 (8, 1), 1897. For a discussion of the Southern country store, see Thomas D. Clark, *Pills, Petticoats, and Plows. The Southern Country Store* (Indianapolis, 1944).
 45. *Great Opportunity*, 4; Hodgson, "A Great Farmer," 5732; *Union Recorder*, February 27 (3, 4), 1906; *Echo*, May 5 (4, 1), 1888.
 46. *Great Opportunity*, 4; *Athens Weekly Banner*, August 26 (5, 2), September 9 (5, 2), 1890.
 47. Quoted in *Athens Banner*, May 10 (5, 2), 1900.

CHAPTER IV

1. *Jackson Herald*, January 18 (1, 4), 1906. The visitor was Henry F. Branham.
2. *Athens Banner*, January 23 (1, 1), 1890. The visitor was T. Larry Gantt.
3. *Athens Weekly Banner-Watchman*, August 9 (3, 2), September 6 (1, 4), 1887; March 27 (1, 2), 1888; *Athens Banner*, January 23 (1, 1), 1890; *Echo*, September 16 (3, 3), 1887; September 28 (1, 4), 1888; May 8 (8, 2), 1891; July 12 (1, 2), 1895.

4. *Athens Banner*, January 23 (1, 1), 1890; *Echo*, May 8 (8, 1), 1891.
5. Koch, "All the Land," 104; *Echo*, August 2 (1, 2), 1895.
6. *Great Opportunity*, 10; Hunnicutt, ed., *Dickson and Smith*, 206; *Echo*, May 8 (8, 1), 1891; July 31 (5, 4), 1896; June 4 (8, 3), 1897; April 14 (1, 5), 1899; February 2 (5, 2), 1900; September 17 (7, 3), 1909.
7. Hunnicutt, ed., *Dickson and Smith*, 201-202. See also *Athens Weekly Banner-Watchman*, June 28 (3, 3), 1887; *Jackson Herald*, July 20 (3, 2), 1894; *Union Recorder*, February 17 (3, 4), 1906.
8. *Great Opportunity*, 5; Koch, "All the Land," 105.
9. *Echo*, April 7 (1, 4), 1899.
10. *Great Opportunity*, 6-8.
11. *Echo*, April 14 (1, 6), 1899.
12. *Ibid.*, February 2 (5, 2), 1900. N. L. Willet was this visitor. His account is published here from the *Augusta Chronicle*.
13. *Echo*, April 7 (1, 3), 1899. The visitor was W. G. Cooper, whose account here was reprinted from the *Atlanta Journal*.
14. *Great Opportunity*, 4; *Echo*, May 8 (8, 2), 1891; February 2 (5, 3), 1900.
15. *Echo*, May 8 (8, 3), 1891.
16. *Atlanta Journal* quoted in *Echo*, April 7 (1, 5), 1899.
17. *Athens Weekly Banner*, April 8 (1, 2), 1890.
18. *Athens Weekly Banner-Watchman*, June 28 (3, 2), 1887.
19. Hunnicutt, ed., *Dickson and Smith*, 215.
20. Interview by Charles R. Koch with Earle M. Norman, Washington, Ga., June 27, 1958.
21. *Echo*, February 2, (5, 2), 1900. N. L. Willet was the visitor.
22. *Ibid.*, April 21 (1, 5), 1899. The spokesman for a group of visitors from Hawkinsville in 1893 said, "He impressed me as being kind indeed, but his word is law." *Ibid.*, August 4 (1, 6), 1893. Harry Hodgson, Sr., in his article "A Great Farmer," page 5732, said, "There are no happier, healthier or better satisfied Negroes in the South than those at Smithonia."
23. *Echo*, April 14 (7, 2), 1899. See also *Ibid.*, February 2 (5, 3), 1900.
24. *Ibid.*, February 26 (5, 2), 1904.
25. *Ibid.*, September 17 (7, 3), 1909.
26. *Athens Weekly Banner*, November 19 (1, 3), 1889. See also Hodgson, "A Great Farmer," 5726; *Echo*, July 4 (8, 2), 1890; April 14 (7, 3), 1899; September 17 (7, 4), 1909.
27. *Echo*, September 17 (7, 4), 1909.
28. *Ibid.* For first quotation in the paragraph see *ibid.*, April 14 (1, 5), 1899.
29. *Ibid.*, February 2 (5, 3), 1900. "They feel a deep reverence for the man who employs them, for he is the best friend they have, and year in and year out he has directed them as a father would direct his children." Hodgson, "A Great Farmer," 5730. On one occasion two Negroes got into a fight and one fractured the other's skull and fled the farm. *Echo*, July 21 (1, 2), 1895.
30. Hunnicutt, ed., *Dickson and Smith*, 214.
31. *Ibid.*, 223; James M. Smith, Smithonia, Ga., January 4, 1910, to Professor David C. Barrow, Athens, Ga., in the Chancellor David C. Barrow Collection in the University of Georgia Library.
32. *Echo*, May 8 (8, 3), 1891; June 4 (8, 3), 1897; Koch, "All the Land," 105.
33. *Union Recorder*, February 27 (3, 4), 1906. The student was John A. Sibley.
34. *Echo*, May 13 (5, 2), 1892.
35. Hunnicutt, ed., *Dickson and Smith*, 214.
36. *Echo*, June 15 (5, 5), 1888; Koch, "All the Land," 105-106.
37. *Athens Banner*, April 13 (1, 4), 1900; Hodgson, "A Great Farmer," 5728.
38. *Transcript*, 724-26; *Atlanta Journal*, February 27 (7, 4), 1916; *Echo*, December 17 (2, 2), 1915; Oglethorpe County Minutes Court of Ordinary, F, 280-83.

39. Oglethorpe County Court of Ordinary Inventory and Appraisements, C, 89-90; *Great Opportunity*, 10; Hunnicutt, ed., *Dickson and Smith*, 206; *Athens Weekly Banner-Watchman*, June 28 (3, 3), 1887 (for first quotation in paragraph); *Athens Banner*, January 23 (1, 1), 1890; *Echo*, September 28 (1, 4), 1888; February 23 (7, 2), 1906. Information concerning Colonel Smith's method of testing out mules was received on a visit, September 28, 1958, with Mr. Paul A. Bowden, President of the First National Bank, Thomson, Ga., who as a young man knew the Colonel well, and each helped the other in business transactions.
40. *Athens Weekly Banner-Watchman*, June 28 (3, 2), 1887. The visitor was T. Larry Gantt.
41. *Echo*, February 2 (5, 4), 1900; Koch, "All the Land," 106.
42. *Echo*, June 4 (8, 2), 1897. See also Hodgson, "A Great Farmer," 5731.
43. *Echo*, August 4 (1, 5), 1893. See also Hodgson, "A Great Farmer," 5726-27.
44. *Echo*, September 17 (7, 3), 1909.
45. *Transcript*, 555, 593, 660; *Echo*, May 8 (8, 3), 1891; August 4 (1, 5), 1893; interview by Koch with Norman, Washington, Ga., June 27, 1958; Paul Brown, Lexington, Ga., March 27, 1906 to E. K. Lumpkin, Athens, Ga. James Ogden Mitchell, a native of Cleveland, Ohio, was Colonel Smith's principal secretary from April, 1907, until the Colonel's death. Later Mitchell married Annie Smith, a niece of Colonel Smith's. He had two daughters, Joanne and Constance. *Echo*, December 19 (1, 3), 1924. The present writer has a typed letter signed for Colonel Smith by a secretary; he also has a holograph letter by Colonel Smith.
46. *Athens Weekly Banner*, November 8 (1, 1), 1907.
47. *Atlanta Georgian*, August 23 (1, 5), August 28 (6, 2), 1909. The facts were that the sheriff of Oglethorpe County went to Atlanta and arrested several Negroes for misdemeanors and felonies committed in the county. The warrants for the arrests had not been sworn out by Colonel Smith or with his previous knowledge. The Atlanta police court action followed, being part of the necessary legal procedures in bringing the Negroes back to Oglethorpe County. Some of the Negroes had at one time worked on Colonel Smith's farm; hence the prostitution of the case into charges of peonage against Smith.
48. *Echo*, September 17 (7, 2-5), 1909. See also *ibid.*, September 3 (4, 1-2).
49. *Ibid.*, September 10 (1, 4).

CHAPTER V

1. *Echo*, December 7 (4, 1), 1888; June 21 (1, 3), 1889. The official spelling given it by the Post Office Department was Smithonia. Xenophon P. Smith, Librarian, Post Office Department Library, Washington, D. C., July 2, 1959, to E. M. Coulter. Colonel Smith spelled it Smithonia. James M. Smith, Smithonia, Ga., November 24, 1890 to Judge Alex. S. Erwin. Letters in possession of present writer.
2. *Acts and Resolutions of the General Assembly of the State of Georgia 1905* (Atlanta, 1905), 1149-54. The act was signed August 23.
3. *Echo*, June 4 (8, 1), 1897, quoting from the *Walton* (Monroe, Ga.) *News*, whose editor was the visitor. See also *Hawkinsville Dispatch and News*, December 15 (6, 1), 1915.
4. *Echo*, June 15 (5, 5), June 28 (1, 5), 1888; March 29 (1, 6), April 26 (8, 3-4), 1889; April 8 (4, 1), 1892. The first quotation in paragraph, *ibid.*, August 31 (3, 7), 1888; the second, *ibid.*, March 29 (1, 5), 1889.

5. *Ibid.*, November 2 (4, 1), 1888 (for first quotation); *ibid.*, September 7 (3, 6), 1888 (for second).
6. *Ibid.*, February 1 (1, 2), March 22 (4, 3), 1889; April 7 (4, 1), 1893. For quotation, *ibid.*, April 8 (4, 1), 1892.
7. *Ibid.*, March 2 (3, 3), June 15 (5, 5), September 28 (3, 5), 1888; February 14 (6, 1), 1930; March 13 (3, 3), 1931.
8. *Acts and Resolutions of the General Assembly of the State of Georgia. 1888-9* (Atlanta, 1889), II, 355-57; *Echo*, December 2 (2, 3), 1887; September 7 (3, 4), 1888; October 11 (1, 2), 1889. The county officials were pleased with the prospect of railroads, since they would increase the tax returns. *Ibid.*, August 24 (3, 2), 1888.
9. *Acts of Georgia, 1888-9*, p. 355.
10. *Echo*, January 13 (3, 3), March 2 (3, 4), March 27 (1, 1), July 13 (3, 5), July 20 (3, 7), July 27 (3, 6), August 3 (3, 5), August 17 (3, 2), September 14 (2, 2-3), November 9 (5, 2), 1888.
11. *Athens Banner*, November 14 (1, 4), 1891 (for first quotation in the paragraph); *Echo*, November 1 (6, 1), 1889 (for second quotation); *Atlanta Constitution*, September 12 (12, 3), 1891 (for third quotation). See also *Athens Weekly Banner-Watchman*, March 26 (1, 5), 1889; *Echo*, March 29 (1, 6), 1889; November 13 (5, 2), 1891; *Eighteenth Annual Report of the Railroad Commission of Georgia . . .* (1889-1890) (Atlanta, 1890), 107; *Thirty-Sixth Report of the Railroad Commission of Georgia* (1908) (Atlanta, no date), 321.
12. *Echo*, March 1 (1, 2), October 4 (5, 2), 1889. For quotation, *ibid.*, May 20 (4, 1), 1892.
13. *Ibid.*, February 17 (3, 5), September 28 (1, 4-5), 1888.
14. *Athens Weekly Banner-Watchman*, September 4 (3, 4), 1883; June 28 (3, 4), 1887; *Athens Banner*, January 16 (1, 2), 1890; *Echo*, April 18 (5, 5), 1890. The G. C. & N. R. was incorporated December 7, 1886. *Acts and Resolutions of the General Assembly of the State of Georgia. 1886* (Atlanta, 1887), 105-11.
15. *Acts of Georgia, 1888-9*, II, 428-35; *Athens Weekly Banner*, June 3 (5, 3), 1890.
16. *Athens Weekly Banner*, September 9 (5, 2), 1890; *Echo*, June 5 (5, 4), 1891.
17. *Echo*, February 19 (8, 1), 1892.
18. Quoted *ibid.*, August 14 (1, 2), 1891.
19. *Ibid.*, December 23 (3, 1), March 4 (8, 1), 1892; *Great Opportunity*, 3.
20. Hunnicutt, ed., *Dickson and Smith*, 204-206; *Athens Banner*, January 23 (1, 1), 1890; *Athens Weekly Banner*, June 26 (6, 4), 1906; *Echo*, May 8 (8, 2), 1891; April 14 (1, 5), 1899; February 2 (5, 2), 1900.
21. Estate of James M. Smith, Petitions and Orders 1918 (loose papers in Office of Ordinary, Oglethorpe County—cited hereafter, Petitions, 1918); *Great Opportunity*, 12; *Athens Weekly Banner*, March 17 (6, 1-2), 1916; *Echo*, November 7 (1, 2), 1930.
22. *Athens Daily Banner*, May 28 (1, 4), 1891; *Athens Weekly Banner*, June 2 (4, 4), June 9 (2, 6), 1891.
23. *Danielsville (Ga.) Monitor*, April 16 (2, 1), 1897.
24. *Echo*, July 3 (8, 3), 1903.
25. *Augusta News*, quoted in *Athens Weekly Banner*, October 15 (2, 3), 1889.
26. *Acts of Georgia, 1888-9*, II, 421-28.
27. *Echo*, June 14 (2, 2), October 4 (5, 2), 1889; *Athens Weekly Banner*, September 9 (5, 2), 1890.
28. Oglethorpe County Deed Record, NN, 477; *Echo*, May 23 (5, 4), June 20 (5, 3), June 27 (1, 2), 1890; February 26 (1, 4), July 30 (1, 2), 1891.

29. *Acts of Georgia, 1888-9* II, 270-74.
30. *Echo*, February 17 (3, 2), 1888; March 11 (1, 3), 1892. The Lexington Terminal Railroad Company was incorporated October 24, 1887. *Acts and Resolutions of the General Assembly of the State of Georgia, 1886-7* (Atlanta, 1887), I, 253-55.
31. *Ibid.*, October 31 (7, 4), 1890.
32. *Ibid.*, February 7 (3, 2), 1908.

CHAPTER VI

1. *Acts of the General Assembly of the State of Georgia, . . . Annual Session in November and December, 1886* (Macon, 1867), 155-56. See also A. Elizabeth Taylor, "The Origin and Development of the Convict Lease System in Georgia," in *Georgia Historical Quarterly*, XXVI, 2 (June, 1942), 113-28. For a more general discussion, see Fletcher Melvin Green, "Some Aspects of the Convict Lease System in the Southern States," in Fletcher Melvin Green, ed., *Essays in Southern History . . .* (Chapel Hill, 1949), 112-23.
2. *Acts and Resolutions of the General Assembly of the State of Georgia, . . . Regular Session of January, 1876* (Atlanta, 1876), 40-45.
3. *Ibid.*, 1880-81 (Atlanta, 1881), 106-107. All profits to the state from the hire of convicts should be applied to the common school fund. *Ibid.*, 98.
4. *Report of the Penitentiary Committee, Covering the Sub-Committee's Report, the Evidence taken before, and Documents Submitted to Sub-Committee in the Investigation of the Convict Lease System of Georgia* (Atlanta, 1887), 121; *Georgia, Historical and Industrial*, 784; *Atlanta Constitution*, September 29 (1, 2), 1887.
5. *Athens Weekly Banner-Watchman*, March 26 (1, 5), 1889. See also *Echo*, November 2 (5, 3), 1888; May 7 (5, 2), 1897; August 18 (1, 2), 1899.
6. *Athens Weekly Banner*, October 25 (7, 1), 1892.
7. *Echo*, April 28 (5, 5), 1899.
8. As told by James T. Hayes of the McGregor Company, Athens, Ga.
9. *Acts and Resolutions of the General Assembly of the State of Georgia, 1897* (Atlanta, 1898), 72-73.
10. *Gainesville (Ga.) News*, January 13 (3, 2), 1904. In a letter to Judge Alexander S. Erwin of Athens, on January 6, 1902, Colonel Smith said, "I desire to hire the misdemeanor convicts from the County of Jackson again this year." He requested the Judge to write the Chairman of the Board of County Commissioners "and represent me in hiring these convicts again." Smith, Smithonia to Erwin, Athens, in Judge Alexander S. Erwin Collection in the University of Georgia Library.
11. *Atlanta Georgian*, September 1 (1, 5), 1908.
12. *Eleventh Annual Report of the Prison Commission of Georgia . . . 1907-1908*, p. 8.
13. *Ibid.*, 25.
14. *Atlanta Georgian*, September 1 (1, 5), 1908.
15. *Ibid.*, August 28 (1, 3), 1908. See also *Echo*, September 10 (1, 2), 1897. J. W. Jarrell and R. M. Gaulding of Oglethorpe County were leasing misdemeanor convicts in 1897. *Atlanta Constitution*, September 3 (5, 3), 1897; *Echo*, June 11 (4, 1), August 13 (1, 4), 1897.
16. *Biennial Report of the Principal Keeper of the Georgia Penitentiary, . . . 1890 to . . . 1892* (Atlanta, 1892), 50-78. See also *Annual Report of the Principal Keeper of the Georgia Penitentiary, . . . 1893, to . . . 1894* (Atlanta, 1894), 4 and subsequent reports, as the one for 1895-1896, page 102. See also *Echo*, May 24 (1, 4), 1895.
17. *Biennial Report of the Principal Keeper of the Georgia Penitentiary, 1890-1892*, p. 4; *Annual Report of the Principal Keeper of the Georgia Penitentiary, 1893-1894*, p. 4.

- gia Penitentiary, 1895-1896, p. 100; *ibid.*, 1896-1897, p. 31; *Biennial Report of the Principal Physician of the Georgia Penitentiary, . . . 1890 to . . . 1892* (Atlanta, 1892), 16, 17, 20, 27; *Annual Report of the Principal Physician to the Georgia Penitentiary, . . . 1892-1893* (Atlanta, 1893), 18, 19, 20, 26; *ibid.*, 1893-1894, pp. 17, 18; *ibid.*, 1896-1897, x ff.; *First Annual Report of the Prison Commission of Georgia . . . 1897 to . . . 1898*, p. 35; *ibid.*, 1900-1901, p. 37; *ibid.*, 1901-1902, p. 29; *Echo*, May 20 (4, 1), 1892.
18. *Athens Weekly Banner*, September 9 (5, 2), 1890.
 19. *Annual Report of Principal Physician, 1895-1896*, p. 118; *Atlanta Constitution*, July 20 (7, 3), 1887; *Echo*, June 7 (5, 2), 1895; November 13 (5, 2), 1896.
 20. *Echo*, December 7 (5, 6), December 10 (5, 5), 1888.
 21. *Athens Weekly Banner-Watchman*, July 15 (3, 2), 1884; *Echo*, October 25 (5, 3), 1895.
 22. *Echo*, December 13 (1, 6), 1889.
 23. *Ibid.*, May 17 (4, 4), 1895.
 24. *Athens Weekly Banner-Watchman*, July 10 (4, 1), 1883; *Echo*, June 28 (5, 2), 1888; December 8 (7, 2), 1893; November 29 (5, 2), 1895.
 25. Koch, "All the Land," 104.
 26. *Athens Weekly Banner-Watchman*, May 8 (3, 1), 1888; *Athens Weekly Banner*, May 7 (4, 3), 1897; *Echo*, May 5 (4, 1), 1888.
 27. *Echo*, February 21 (1, 4), 1896.
 28. *Danielsville Monitor*, November 9 (3, 2), 1898; *Echo*, March 8 (3, 6), 1895.
 29. *Athens Weekly Banner-Watchman*, January 12 (1, 5-6), July 6 (1, 7), 1886.
 30. *Athens Weekly Banner*, September 9 (5, 2), 1890.
 31. *Report of the Special Penitentiary Committee*, 1881 (date by inference), 8.
 32. *Echo*, June 24 (4, 1), 1892.
 33. *Athens Weekly Banner-Watchman*, July 3 (4, 1), 1883.
 34. *Ibid.*, October 14 (2, 1), 1884. The person was T. Larry Gantt.
 35. *Echo*, December 23 (5, 2), 1892.
 36. *Athens Weekly Banner-Watchman*, May 8 (3, 3), 1888.
 37. *Echo*, May 8 (8, 1), 1891.
 38. *Ibid.*, July 19 (4, 3), 1889.
 39. *Athens Weekly Banner-Watchman*, March 26 (1, 5), 1889. See also *ibid.*, August 23 (3, 2), 1887.
 40. For various reports of the Oglethorpe Grand Jury, see *Echo*, October 29 (1, 5), 1886; April 29 (1, 3), December 2 (1, 2), 1887; January 27 (3, 6), February 3 (3, 3), April 27 (1, 3), October 26 (1, 2), 1888; April 26 (2, 1), November 1 (5, 2), 1889; May 2 (1, 2), December 12 (3, 1), 1890; April 31 (3, 3-4), October 30 (1, 3), 1891; April 29 (8, 1), December 16 (8, 2), 1892; April 28 (1, 3), October 27 (1, 2), 1893; May 18 (5, 4), October 26 (8, 2), 1894; April 26 (1, 2), November 1 (1, 2), 1895; April 24 (5, 1), May 1 (8, 2), 1896; April 30 (8, 2), October 27 (2, 2), 1897; April 29 (8, 3), October 28 (1, 4), 1898; April 28 (8, 3), October 27 (7, 2), 1899; November 15 (5, 3), 1907. By a law of 1879 it was made the duty of the foreman of the Grand Jury to appoint a committee of six citizens, three to be members of the jury and "three intelligent and upright citizens" of the county to visit the convict camps in the county "and without notice to the lessees of the convicts, . . . to make a thorough inspection and investigation as to the sanitary condition, treatment and management of the convicts . . .," and to prosecute anyone guilty of any violation of the laws relating to convicts. *Acts and Resolutions of the General Assembly of the State of Georgia. 1878-79* (Atlanta, 1880), 141.
- Relative to an incident at Colonel Smith's convict camp, in 1882 in the Superior Court of Oglethorpe County he was cited for contempt of court. The committee which had been appointed to inspect his con-

vict camp met "with obstruction" from Smith, and he was now ordered to show cause "instantly why he should not be attached for a contempt of this court." At the same time, growing out of the same incident, a true bill was filed against him for "Assault with intent to Murder." Colonel Smith vigorously denied the charges and explained how the whole unhappy situation had arisen. The committee of six appointed by the Grand Jury to inspect his camp had appeared unexpectedly at Colonel Smith's home and had through its chairman, Captain B. H. Barnett, asked him to accompany them on their inspection trip. Colonel Smith replied that he had planned to go to Lexington on business that day and had advised the committee to go on to the camp and make a thorough inspection of everything they desired. But Captain Barnett insisting, Colonel Smith drove down to his camp and remained in his buggy while the committee began their inspection. Soon one of Colonel Smith's convict guards came to him and said that B. B. Williams, one of the committee, had ordered him away from the camp. Colonel Smith now left his buggy and entered the stockade to tell the committee that the guard must remain there. It was a fixed rule that the guard must be there at all times; but there was no desire or intention for him to watch the committee. Williams, who was a personal enemy of Smith's, objected and "an altercation" ensued between Smith and Williams "with reference to their past dealings and not having any relation to the present duties of the Committee." Colonel Smith tried to break off the conversation and suggested that Williams proceed with the committee's inspection. Williams refused "and renewed and continued the altercation until he brought on a slight personal difficulty." It was, however, "momentary and trifling and readi-

ly quieted." The inspection was continued, and Smith returned to his home after inviting the committee to have dinner with him. Three of the committee came to dinner, but Williams and the other two did not appear and, in fact, had refused to continue the inspection. To represent him in this proceeding, Colonel Smith secured the services of three well-known attorneys: Pope Barrow, who the next month was elected United States Senator to fill the unexpired term of Benjamin H. Hill; John C. Reed, who later engaged in various legal writings and who wrote *The Brothers' War*; and Phil. W. Davis, long to be associated with Smith as attorney and friend (Oglethorpe County Minutes of Superior Court, 1879-1882, pp. 359, 365-67). The indictment for "Assault with intent to Murder" was heard in April, 1883, and the verdict of the jury was "Not guilty" (*ibid.*, 1883-1887, p. 18). The rule for contempt of court was discharged in April, 1885 (*ibid.*, 303). Years later, in the gubernatorial campaign of 1906, Thomas E. Watson used this incident as the basis for his charges that Smith had resisted the committee appointed to inspect his convict camp and had attempted murder against them.

41. *Echo*, June 16 (5, 4), 1893.
42. *Jackson Herald*, June 20 (3, 2), 1894.
43. *Athens Weekly Banner-Watchman*, July 6 (1, 6), 1886.
44. *Ibid.*
45. *Report of the Special Penitentiary Committee, 1881*, p. 8.
46. *Atlanta Constitution*, September 29 (5, 1), 1887.
47. *Echo*, June 4 (8, 3), 1897. The visitor was the editor of the *Walton News*.
48. *Biennial Report of the Principal Physician of the Georgia Penitentiary, 1890-1892*, pp. 7-11; *First Annual Report of the Prison Commission of Georgia, 1897-1898*, pp. 47-

- 51; *Athens Weekly Banner-Watchman*, July 17 (1, 6), 1883.
49. *Jackson Herald*, July 20 (3, 2), 1894; *Echo*, June 15 (5, 5), 1888.
50. *Jackson Herald*, August 9 (2, 3), 1895. See also *Union Recorder*, February 27 (3, 4), 1906; *Athens Weekly Banner*, September 9 (5, 2), 1890.
51. Hunnicutt, ed., *Dickson and Smith*, 217 (for quotation); *Athens Weekly Banner*, April 22 (7, 2), 1890; *Echo*, January 5 (3, 2), 1923.
52. *Echo*, July 31 (5, 2), 1896, quoting Pleasant A. Stovall in *Savannah Press*.
53. *Athens Weekly Banner-Watchman*, October 21 (3, 5), 1884; *Echo*, July 31 (5, 4), 1896.
54. *Athens Weekly Banner-Watchman*, October 21 (3, 5), 1884.
55. *Atlanta Constitution*, October 1 (7, 3), 1887.
56. *Acts of Georgia*, 1897, pp. 71-78.
57. *First Annual Report of the Prison Commission of Georgia, 1897-1898*, p. 13; *ibid.*, *Second, 1898-1899*, p. 9; Hunnicutt, ed., *Dickson and Smith*, 217; *Atlanta Georgian*, September 1 (1, 3), 1908; *Jackson Herald*, October 13 (2, 1-2), 1899; *Athens Daily Banner*, May 10 (5, 2), 1900; *Echo*, October 20 (8, 2-3), 1899.
58. *Acts and Resolutions of the General Assembly of the State of Georgia. 1903* (Atlanta, 1903), 65-71.

CHAPTER VII

1. *Atlanta Constitution*, September 30 (7, 1), 1887.
2. *Ibid.*, April 9 (8, 2-4), 1886. For a biographical sketch of Dr. Westmoreland, see Northen, ed., *Men of Mark in Georgia*, III, 210-12.
3. *Ibid.*; *Penitentiary Report, 1887*, pp. 172-73.
4. *Ibid.*
5. Executive Minutes, 1883-1885, p. 738 (in Georgia Department of Archives and History); *Atlanta Constitution*, April 9 (8, 2-4), 1886; *Athens Weekly Banner-Watchman*, August 18 (3, 6), 1885.
6. *Athens Weekly Banner-Watchman*, August 18 (3, 7), 1885.
7. *Ibid.* (3, 7; 3, 9).
8. *Ibid.*, March 9 (1, 2), 1886.
9. *Ibid.*, April 6 (4, 3).
10. *Atlanta Constitution*, April 3 (6, 2), 1886. See also *ibid.*, April 8 (2, 5).
11. *Athens Weekly Banner-Watchman*, March 30 (3, 4), 1886.
12. *Ibid.*, April 6 (4, 3-4).
13. *Ibid.*, August 18 (3, 8-9), 1885.
14. *Ibid.*, April 20 (1, 1-3), 1886.
15. *Ibid.*, July 12 (1, 1), 1887.
16. *Atlanta Constitution*, April 3 (8, 3), 1886.
17. *Ibid.*, July 6 (3, 2), 1887. The physician was W. D. Carter.
18. *Ibid.*, September 9 (5, 3), 1887.
19. *Ibid.*, April 16 (4, 1), 1886.
20. *Ibid.* (3, 2).
21. *Athens Weekly Banner-Watchman*, March 9 (1, 3), 1886 (for *Courant* quotation); *ibid.* (3, 2).
22. *Atlanta Constitution*, June 24 (8, 2), 1887; *Athens Weekly Banner-Watchman*, June 28 (3, 2; 3, 4), 1887.
23. *Penitentiary Report, 1887*, pp. 186-87; *Atlanta Constitution*, June 22 (7, 1), June 24 (8, 2), 1887; *Athens Weekly Banner-Watchman*, June 28 (3, 1; 3, 2), 1887; *Oglethorpe Echo*, June 24 (3, 3), 1887. "The report entirely exonerated the lessee from all the charges, and declared the whole matter without foundation." *Atlanta Constitution*, June 24 (7, 2), 1887.
24. *Athens Weekly Banner-Watchman*, June 28 (3, 2), 1887.
25. *Ibid.* (3, 4).
26. *Echo*, July 1 (2, 1; 2, 2; 3, 2), 1887.
27. *Ibid.*, July 15 (3, 6). "The camp of Mr. Smith has been investigated again and again, and has been endorsed by three administrations in Georgia. Gov. Colquitt and Gov.

- McDaniel were emphatic in their approval of the treatment of the convicts there, and Gov. Gordon has promptly dismissed an outrageous charge, lodged against Mr. Smith by an ignorant and malicious negro. . . . Regularly every year about this time some slander is started about how Col. Smith treats his convicts, but in every instance he has proved them to be slanderous falsehoods, started by his personal enemies through the basest motives." Editorial in *Athens Weekly Banner-Watchman*, June, 1887 (exact date missing from the fragmentary copy of the paper seen).
28. *Ibid.*, August 9 (2, 4), 1887.
 29. *Ibid.*, June 28 (3, 1).
 30. *Ibid.* (2, 2).
 31. *Ibid.*, July 5 (2, 3-4).
 32. *Atlanta Constitution*, July 3 (12, 2-3), 1887.
 33. *Athens Weekly Banner-Watchman*, July 12 (1, 1), 1887.
 34. *Ibid.* (1, 4).
 35. *Ibid.* (1, 2).
 36. *Ibid.*, June 28 (3, 1).
 37. *Atlanta Constitution*, August 26 (7, 1), August 31 (7, 1), 1887.
 38. E. T. Shubrick, Assistant Keeper of the Penitentiary, had reported in the spring of 1887 that "regulations as to fresh meat and vegetables had been disregarded for two or three weeks." *Ibid.*, April 16 (5, 2). And Doctor Westmoreland had reported that there were some sick, not in the hospital where they should have been. He charged that the local physician came only when he was sent for or when he happened to be passing, and Westmoreland denied that the physician came daily as asserted by Smith. *Penitentiary Report*, 1887, pp. 172-73. See also *Atlanta Constitution*, September 30 (7, 1), 1887.
 39. *Atlanta Constitution*, September 9 (5, 1-4), September 10 (5, 1-4), September 11 (11, 1-2), September 21 (8, 2-3), September 22 (5, 1-4), September 23 (5, 1-3), September 24 (7, 1-2), September 25 (20, 2-3), September 27 (5, 1-3), September 28 (5, 1-3), September 29 (5, 1-2), 1887.
 40. Executive Minutes, 1886-1887, pp. 409, 486-90; *Atlanta Constitution*, November 9 (7, 1-2), 1887.
 41. *Acts and Resolutions of the General Assembly of the State of Georgia at its Extraordinary Session Convened by Proclamation of the Governor, August 25, 1908* (bound with continuation of page numbers with *Acts and Resolutions of the General Assembly of the State of Georgia. 1908* [Atlanta, 1908], 1119-30.
 42. The Penitentiary Committee of the legislature reported in 1891 "sanitary conditions of the camps are good, the convicts well treated and properly clothed." And yet "we condemn in unmeasured terms the present penitentiary system," and earnestly hoped to see a change when the present leases expired. *Journal of the House of Representatives of the State of Georgia, at the Adjourned Session . . . July 8, 1891* (Atlanta, 1891), 1384. The Penitentiary Committee reported in 1895 conditions were bad in most of the camps and mentioned some, but Smith's was not included. *Journal of the House of Representatives of the State of Georgia, . . . Regular Session . . . October 23, 1895* (Atlanta, 1895), 829-30. A special state investigator of convict camps in 1897 visited Smith's and J. W. Jarrell's camps in Oglethorpe County, and according to a news report "complimented these gentlemen highly upon the condition of their camps and their treatment of the inmates." *Echo*, September 3 (1, 2), 1897. See also *Atlanta Constitution*, August 21 (3, 1-4), 1897. "The Proceedings Convict Lease System Investigation" (five typewritten volumes) is a stenographic report of the hearings in 1908 and is in the Georgia Department of Archives

and History. This was a searching investigation and went far back into conditions in the convict camps, but Colonel Smith's camps were not mentioned. The "Report of the Investigating Committee" may be

found in *Acts of Georgia, 1908*, pp. 1059-1105.

43. *Atlanta Georgian*, September 1 (1, 3), 1908. The *Georgian* began its campaign on the preceding July 7.

44. *Ibid.*, September 2 (1, front spread).

CHAPTER VIII

1. *Echo*, October 3 (2, 2), 1913. See also *ibid.*, October 24 (2, 1); March 20 (2, 1), 1914.
2. *Ibid.*, April 24 (4, 2), May 1 (6, 1-2), May 8 (6, 1), 1908. See also Oglethorpe County Subpoena Docket [1870-1893] (in Office of the Clerk of the Court), 254, 278—no page numbers until 199; *Echo*, October 19 (5, 3), 1888; March 4 (1, 2), 1892; September 4 (1, 5), 1896; March 12 (1, 6), 1897.
3. *Atlanta Journal*, July 25 (8, 4), 1906.
4. Echols, *Georgia's General Assembly, 1878*, 145; *Atlanta Constitution*, November 3 (3, 2), 1880. He represented the Thirtieth Senatorial District, which was made up of Oglethorpe, Madison, and Elbert counties.
5. *Georgia's General Assembly of 1880-1 . . .* (Atlanta, 1882), 327.
6. *Journal of the House of Representatives of the State of Georgia, . . . Annual Session . . . 1877* (Atlanta, 1877), 68, 69; *Journal of the House of Representatives of the State of Georgia, . . . Session . . . November 6, 1878* (Atlanta, 1879), I, 62, 74, 75, 77, 1010; *Journal of the House of Representatives of the State of Georgia at the Bi-Ennial Session of the General Assembly, . . . November 3, 1880 . . .* (Atlanta, 1880), 66, 67; *Journal of the Senate of the State of Georgia, . . . Adjourned Session . . . July 8, 1885* (Atlanta, no date), 172, 181, 333; *Atlanta Journal*, October 15 (1, 4), 1885; *Athens Weekly Banner-Watchman*, November 25 (1, 6), 1884.
7. *Evidence Taken by the Committee of the House of Representatives to Investigate the Department of Agri-*

culture under the Resolution Adopted the 8th of August, 1879 (Atlanta, no date), 144 (for last quotation in paragraph); *Acts and Resolutions of the General Assembly of the State of Georgia, . . . January Session, 1877* (Atlanta, 1877), 39; *Elberton (Ga.) Star*, February 1 (6, 1-3), 1906; *Echo*, February 9 (2, 2-3), 1906.

8. *Georgia House Journal, 1878*, p. 1000; *Acts and Resolutions of the General Assembly of the State of Georgia, 1882-83* (Atlanta, 1883), 118.
9. *Acts of Georgia, 1888-89*, II, 67; *Echo*, December 15 (8, 1-2), 1905; February 9 (2, 2-3), 1906. A law was approved September 21, 1881, appropriating to the common school fund all income from the fertilizer fees in excess "of what may be necessary to defray the expenses" of the Agricultural Department. *Acts of Georgia, 1880-81*, p. 98.
10. *Smith Candidacy*, 3, (col. 2); *Acts of Georgia, 1878-79*, p. 184; *Echo* December 15 (8, 1-2), 1905.
11. *Debates in the Senate of Georgia on the Consideration of the Bill to Modify the Railroad Commission Law. With Appendix*, 89-95 (quotations on pages 91, 93, 95).
12. *Athens Weekly Banner-Watchman*, September 4 (2, 4), 1883; October 21 (3, 5), 1884.
13. Testimony of Mrs. M. F. Bray in the James M. Smith Will Case (Loose Papers in the Records of the District Court of the United States for the Northeastern Division of the Southern District of Georgia, in the Federal Records Center, East Point, Georgia). Hereafter cited as Loose Papers. See also *Echo*, April 8 (5,

- 3), 1892; July 3 (1, 5), 1894; August 7 (1, 4), 1896; May 13 (5, 4-5), 1898; *Atlanta Journal*, December 12 (3, 1), 1915. Smith was a great political power in the Eighth Congressional District, "and the candidate who did not have 'Jim Smith's' backing stood a poor chance." *Hawkinsville Dispatch and News*, December 11 (6, 1), 1915.
14. *Echo*, October 23 (5, 6), 1891; *Athens Daily Banner*, November 7 (1, 5), 1891.
 15. *Echo*, October 9 (5, 2; 5, 4), October 16 (5, 2), 1891.
 16. *Ibid.*, June 26 (2, 4), July 3 (1, 2), 1903.
 17. *Atlanta Constitution*, September 1 (7, 4), 1887; *Echo*, March 28 (2, 2), 1902.
 18. Lucian Lamar Knight, *A Standard History of Georgia and Georgians* (6 vols., Chicago, 1917), VI, 2927; *Echo*, August 1 (1, 3), August 15 (4, 3), 1890.
 19. *Ritual of the Farmers Alliance* (Dallas, Texas, no date), 8, 13.
 20. *Athens Weekly Banner*, August 19 (2, 1), 1890; *Echo*, October 19 (2, 2), 1888; July 25 (1, 4), August 15 (7, 1), 1890. For an account of the Alliancemen and Populists in Georgia, see Alex Mathews Arnett, *The Populist Movement in Georgia* . . . (New York, 1922).
 21. *Echo*, August 7 (1, 5), 1891.
 22. *Atlanta Constitution*, January 17 (11, 3-4), 1892; *Echo*, January 29 (5, 3), 1892.
 23. *Official Proceedings of the National Democratic Convention, . . . Chicago, . . . 1892* (Chicago, 1892), 47; *Echo*, June 17 (5, 2), 1892.
 24. *Athens Weekly Banner*, July 12 (6, 1), 1892; *Echo*, July 29 (3, 2), September 2 (3, 6), 1892.
 25. *Echo*, September 2 (2, 4), 1892.
 26. *Ibid.*, December 2 (8, 1-2).
 27. *Ibid.*, August 19 (3, 4).
 28. *Ibid.*, September 2 (3, 2).
 29. *Ibid.*, October 7 (4, 3).
 30. *Athens Banner*, January 23 (1, 1), 1890. See also *Athens Weekly Banner*, February 18 (6, 3), 1890; *Athens Weekly Banner-Watchman*, June 23 (3, 7), 1887, quoting *Macon Evening News*; *Echo* May 23 (2, 2), 1890.
 31. *Atlanta Constitution*, February 16 (2, 3), 1892.
 32. *Echo*, February 19 (1, 4), 1892.
 33. *Ibid.*, January 15 (1, 5), 1892. Colonel Smith was being mentioned for Congress in 1893. *Ibid.*, October 13 (2, 2), 1893.
 34. *Athens Banner*, May 23 (1, 7), 1893.

CHAPTER IX

1. *Athens Banner*, August 19 (1, 1), 1899; *Echo*, June 8 (1, 3), 1896.
2. *Echo*, February 2 (5, 2), 1900.
3. *Ibid.*, September 20 (5, 2), November 1 (4, 2-3), 1901.
4. Quoted *ibid.*, October 11 (2, 4), 1901. See also *ibid.*, September 27 (4, 2), November 22 (4, 2-3).
5. *Athens Weekly Banner*, December 6 (4, 4), 1901.
6. *Atlanta Constitution*, February 18 (6, 5), 1902. Reprinted in *Echo*, February 21 (4, 2), 1902.
7. *Echo*, December 13 (1, 2-3), 1901.
8. Quoted in *Atlanta Constitution*, February 25 (6, 5), 1902.
9. *Ibid.*, December 8 (6, 1-2), 1901.
10. *Ibid.* See also *Echo*, December 13 (1, 2-3), 1901.
11. Letter in Judge Alexander S. Erwin Collection, in University of Georgia Library.
12. *Jackson Herald*, November 15 (2, 2), 1901. See also *Echo*, December 20 (4, 2), 1901.
13. *Echo*, February 7 (4, 1), 1902.
14. James M. Smith, Smithonia, January 31, 1902, to Judge A. S. Erwin, Athens, in Judge Alexander S. Erwin Collection.
15. *Atlanta Constitution*, February 15 (1, 5), 1902.
16. *Ibid.*, February 28 (7, 4), 1902; *Echo*, March 21 (4, 2-3), 1902.

17. Quoted in *Atlanta Constitution*, April 7 (4, 5), 1902.
18. *Ibid.*, April 5 (11, 2).
19. *Echo*, April 11 (4, 2), 1902; *Atlanta Constitution*, April 8 (6, 6), 1902; *Jackson Herald*, April 11 (2, 1-2), 1902. Probably Judge Erwin helped Colonel Smith come to this decision, since the Colonel wrote Erwin on March 27, urging him to come down to Smithonia: "I want to see you and talk over some matters with you." Letter in Judge Alexander S. Erwin Collection.
20. *Athens Weekly Banner*, May 30 (1, 3), 1902.
21. *Echo*, June 6 (2, 3-4), 1902; June 26 (2, 4), 1903.
22. *Jackson Herald*, June 23 (1, 4), 1904; *Athens Weekly Banner*, April 1 (1, 4-5); *Echo*, April 8 (1, 12; 4, 2; 10, 2-3), 1904.
23. *Athens Weekly Banner*, May 27 (2, 1), 1904; *Echo*, May 27 (2, 3), 1904.
24. *Atlanta News*, June 1 (1, 6), June 2 (6, 1), 1904. See also *Echo*, June 3 (2, 2), June 10 (4, 3), 1904.
25. *Echo*, November 11 (2, 3), 1904.
26. *Washington (Ga.) Gazette-Chronicle*, October 4 (3, 4), 1904.
27. Quoted *Ibid.* See also *Echo*, October 6 (5, 1-2), 1905.
28. *Athens Banner*, January 13 (1, 3-4), 1905; *Echo*, January 20 (4, 2), 1905.
29. This copy was sent to Judge Alexander S. Erwin and was dated January 24. Letter in Judge Alexander S. Erwin Collection.
30. *Echo*, June 9 (4, 2), June 16 (4, 3), 1905.
31. *Elberton Star*, May 11 (1, 1), May 18 (2, 3), 1905.
32. *Ibid.*, September 14 (1, 1-6). See also *ibid.*, September 7 (1, 1-3); *Atlanta News*, September 9 (11, 4), 1905; *Jackson Herald*, September 21 (4, 1), 1905; *Echo*, September 22 (1, 1-2; 7, 1-3), 1905. The evening after the speech Colonel Smith was given a reception at "Rose Hill," an old historical plantation home a few miles from Elberton. In the meantime, in the previous month Colonel Smith had made a short speaking trip to his old home county of Wilkes, where he met many of his old friends. From there he crossed into Lincoln County, where he spoke at Lincolnton, the county seat. *Atlanta News*, August 17 (5, 6), 1905.
33. Quoted in *Echo*, October 6 (4, 5), 1905.
34. Quoted in *Athens Banner*, September 15 (4, 4), 1905.
35. *Echo*, October 13 (4, 1), 1905.
36. *Ibid.*, June 29 (4, 1; 2, 4; 2, 5), 1906.
37. *Athens Banner*, November 3 (2, 1), 1905.
38. *Echo*, June 29 (4, 1), 1906.
39. Quoted in Greensboro (Ga.) *Herald-Journal*, July 27 (2, 2), 1906.
40. *Ibid.*, June 29 (2, 3), July 20 (4, 3), 1906. In 1893 Colonel Smith spoke for two hours at Hartwell to a crowd too large to get into the courthouse, the meeting having to adjourn to the park. He held their close attention not by any "great degree of oratory," but by his "superabundance of common sense and his plain, practical mode of expression." *Athens Banner*, May 11 (1, 2), 1893. See also *Echo*, May 12 (8, 2), 1893.
41. *Smith Candidacy*, 1; *Echo*, January 12 (2, 2-3), 1906.
42. *Atlanta Journal*, January 7 (1, 3; 12, 5-8), 1906.
43. *Atlanta Constitution*, January 7 (5, 1-3), 1906.
44. *Vienna News*, January 9 (2, 1), 1906; *Waycross Evening Herald*, January 13 (2, 5), 1906.
45. *Echo*, March 30 (5, 2), 1906.
46. *Ibid.*, January 12 (5, 2).
47. *Ibid.*, February 2 (2, 2).
48. *Atlanta News*, July 13 (6, 2), 1905.
49. *Athens Banner*, May 25 (2, 2), 1906.
50. *Jackson Herald*, May 3 (4, 6), 1906.
51. *Ibid.*, January 11 (4, 2).
52. *Waycross Evening Herald*, December 9 (4, 1), 1905.
53. *Echo*, May 5 (2, 3), 1905. See also *Athens Banner*, May 2 (1, 2), 1905.
54. Greensboro *Herald-Journal*, July 6 (2, 1), 1906.
55. *Atlanta Journal*, July 23 (6, 5),

- 1906; *Atlanta News*, November 20 (7, 2-3), 1905. No copy of the *Southern Field* was located.
56. A copy is in the Judge Alexander S. Erwin Collection, dated June 9.
 57. Athens (Ga.) *Red and Black*, April 4 (2, 1), 1906. The *Elberton Star*, July 12 (4, 2), 1906, said that Colonel Smith was conducting a very peculiar campaign. He was staying at home and writing letters, and had traveled over only a few counties. He could not do much that way.
 58. Greensboro *Herald-Journal*, January 12 (2, 1), 1906. See also *Jackson Herald*, January 11 (4, 2), 1906; *Echo*, January 19 (2, 4), 1906.
 59. Lawrenceville (Ga.) *News Herald*, January 25 (4, 1), 1906.
 60. *Ibid.*, March 8 (4, 1).
 61. *Jackson Herald*, April 5 (4, 2), 1906. The supporter was Frank Holder.
 62. *Athens Banner*, March 29 (1, 1), 1906; *Echo*, May 11 (4, 2), 1906.
 63. *Red and Black*, May 22 (3, 2), 1906.
 64. *Athens Banner*, May 17 (1, 1-2), 1906.
 65. *Banks County Journal* (Homer, Ga.), July 5 (4, 3), 1906; *Athens Banner*, June 16 (1, 3-4), June 20 (1, 6-7), August 3 (4, 3), 1906; *Echo*, June 15 (2, 2), 1906.
 66. *Atlanta Journal*, June 22 (9, 3), June 27 (8, 3-4), 1906.
 67. *Ibid.*, June 29 (3, 1).
 68. *Echo*, June 15 (8, 1), June 22 (2, 3), June 29 (2, 4; 2, 5), 1906; *Atlanta Journal*, August 16 (6, 3-4), 1906.
 69. *Jackson Herald*, August 9 (1, 5), 1906; *Athens Banner*, August 16 (1, 6-7), 1906.
 70. *Athens Banner*, August 18 (1, 1-2), 1906; *Echo*, August 17 (1, 1), 1906.
 71. E. K. Lumpkin, Athens, Ga., August 18, 1906, to Mrs. J. K. Walbridge, Saratoga Springs, N. Y., in the Judge E. K. Lumpkin Papers, in University of Georgia Library.
 72. E. K. Lumpkin, Athens, Ga., August 17, 1906, to Marion Smith, Atlanta, *ibid.*
 73. *Echo*, March 16 (1, 2), 1906.
 74. Louis R. Harlan, *Separate and Unequal. Public School Campaigns and Racism in the Southern Seaboard States, 1900-1915* (Chapel Hill, 1958), 228-29, 265.
 75. *Jackson Herald*, May 31 (4, 6), 1906. The *Echo*, echoing Colonel Smith, said, "We believe in giving to the negro what belongs to him, but we do not believe in giving him our hard earned dollars and thereby sacrificing the well being and education of our own children." April 6 (4, 2), 1906.
 76. *Echo*, February 2 (2, 2), 1906.
 77. *Athens Banner*, January 28 (1, 2), 1890. See also *ibid.*, January 23 (1, 2). In his platform Colonel Smith said that the more the Negro was educated "the quicker he is to quit the farm, to become indolent and roving, and finally criminal." *Smith Candidacy*, 4 (col. 3).
 78. *Atlanta Journal*, August 16 (6, 3), 1906; *Atlanta Constitution*, June 22 (14, 4), 1906; *Echo*, October 6 (5, 2), 1905; August 10 (7, 2), 1906.
 79. *Echo*, January 12 (2, 3), 1906.
 80. *Ibid.*

CHAPTER X

1. *Echo*, March 30 (5, 2), 1906.
2. *Grady County Times*, quoted in *Echo*, February 16 (8, 2), 1906.
3. *Banks County Journal*, May 17 (4, 1), 1906.
4. *Sparta Ishmaelite*, June 9 (6, 2), July 27 (4, 1), 1906.
5. *Hawkinsville News and Dispatch*, September 13 (4, 1), 1905.
6. *Warren County Reporter*, January 9 (4, 1), 1905.
7. *Dahlonega Nugget*, June 29 (2, 1), 1906.
8. *Athens Banner*, March 29 (2, 1), 1906.
9. *Atlanta Journal*, July 30 (6, 7), 1906.

10. *Sparta Ishmaelite*, August 17 (4, 1), 1906.
11. *Vienna News*, January 16 (2, 1), 1906. See also *Echo*, September 22 (7, 1), 1905.
12. *Jones County News*, August 9 (4, 1), 1906.
13. *Sparta Ishmaelite*, September 22 (4, 1), 1905.
14. *Echo*, June 8 (7, 3), 1906.
15. *Atlanta Journal*, July 30 (6, 7), 1906.
16. *Elberton Star*, April 26 (6, 4-5), 1906.
17. *Ibid.*, December 21 (1, 3-4), 1905; January 11 (4, 5), 1906.
18. *Cartersville News*, March 1 (6, 2), 1906.
19. *Sparta Ishmaelite*, July 20 (4, 1), 1906.
20. *Ibid.*, August 17 (4, 1), 1906.
21. For example, August 13 (6, 2), July 31 (9, 2), 1906.
22. *Atlanta Journal*, August 6 (6, 6), 1906. See also *ibid.*, August 6 (6, 7), August 4 (4, 5-7). See footnote 40 in Chapter VI.
23. *Ibid.*, July 31 (3, 5), August 6 (1, 5-6).
24. *Ibid.*, July 30 (6, 4-5).
25. *Ibid.*, July 31 (3, 5).
26. *Greensboro Herald-Journal*, August 3 (2, 3-4), 1906. See also *Macon Telegraph*, August 16 (1, 8), 1906; *Atlanta Journal*, August 12 (8, 3), 1906; *Echo*, August 3 (6, 2), 1906.
27. *Atlanta Journal*, August 3 (8, 2), 1906.
28. E. K. Lumpkin, Athens, Ga., June 21, 1906, to Hoke Smith Campaign Committee, Atlanta, Ga., in Judge E. K. Lumpkin Papers. See also *Atlanta Journal*, August 3 (1, 2), 1906. Colonel Smith's taxes which he paid in Oglethorpe County in 1905 amounted to \$2,500. Of course, he paid taxes in other counties on property he owned in those counties. *Echo*, February 23 (7, 2), 1906.
29. E. K. Lumpkin, Athens, Ga., June 21, 1906, to Hoke Smith Campaign Committee, Atlanta, Ga., in Judge E. K. Lumpkin Papers.
30. *Atlanta Journal*, August 6 (1, 5-6), July 24 (1, 5-6), July 31 (3, 4-5), 1906.
31. *Ibid.*, July 29 (8, 3), 1906.
32. *Ibid.*, July 24 (2, 1), 1906; *Elberton Star*, August 9 (2, 1), 1906; *Echo*, August 17 (3, 4), 1906.
33. E. K. Lumpkin, Athens, Ga., August 1, 1906, to R. J. Griffin, Atlanta, Ga., in Judge E. K. Lumpkin Papers. See also E. K. Lumpkin, Athens, Ga., June 15, 1906, to Hoke Smith, Atlanta, Ga.; E. K. Lumpkin, Athens, Ga., April 17, 1906, to Hoke Smith's Central Campaign Committee, Atlanta, Ga., *ibid.*
34. E. K. Lumpkin, Athens, Ga., August 13, 1906, to John M. Johnson, Hiawasse, Ga., in Judge E. K. Lumpkin Papers. See also E. K. Lumpkin, Athens, Ga., August 13, 1906, to J. R. Gray, Atlanta, Ga., *ibid.*; *Atlanta Journal*, August 14 (8, 5), 1906.
35. *Atlanta Journal*, July 19 (8, 2; 8, 4), 1906; *Atlanta Constitution*, March 3 (5, 3), 1894; *Echo*, February 2 (4, 2), 1906.
36. *Elberton Star*, July 19 (1, 1-3), 1906; *Athens Weekly Banner-Watchman*, September 4 (2, 3-4), September 18 (2, 1), October 9 (2, 2); October 16 (2, 3), October 23 (2, 1-2), November 6 (2, 2), November 27 (3, 4), 1883; February 12 (1, 1), September 23 (2, 1-2), 1884; *Atlanta Journal*, July 23 (6, 2), July 31 (8, 4-5), 1906; *Greensboro Herald-Journal*, August 3 (5, 5), 1906. Augustus Longstreet Hull, *Annals of Athens, Georgia, 1801-1901* (Athens, 1906), 321-22. Mat Davis had been a slave of Edward R. Hodgson, the father of A. H., E. R., and J. M. Hodgson, all of Athens. *Jackson Herald*, August 29 (1, 6), 1902.
37. E. K. Lumpkin, Athens, Ga., August 16, 1906, to R. J. Griffin, Atlanta, Ga., in Judge E. K. Lumpkin Papers. See also E. K. Lumpkin, Athens, Ga., July 16, 1906, to Hoke Smith Campaign Committee, Atlanta, Ga., *ibid.*; *Atlanta Journal*, August 17 (1, 5), 1906.

38. *Atlanta News*, September 28 (6, 5), 1905; *Echo*, October 20 (4, 1-3), 1905.
39. *Sparta Ishmaelite*, October 20 (4, 3), 1905. This present writer carefully examined the *Ishmaelite* for this period and found no reference to Lucindy. The *Echo* said that the *Ishmaelite* "denies having attacked Col. Smith's private character except in a spirit of fun. Mighty funny fun." October 27 (4, 1), 1905.
40. *Atlanta News*, October 17 (4, 4-5), 1905; *Echo*, October 20 (4, 1-3), 1905.
41. *Atlanta News*, October 17 (4, 3), 1905.
42. Quoted in *Echo*, October 27 (4, 2-3), 1905.
43. *Ibid.*, October 20 (4, 1-3).
44. *Atlanta News*, October 26 (6, 3), 1905; *Echo*, July 14 (4, 2), 1905.
45. *Atlanta Constitution*, October 17 (6, 3), 1905.
46. Quoted in *Echo*, October 27 (9, 1-2), 1905.
47. Undated clipping in Hoke Smith Scrapbook, 38, p. 70. In University of Georgia Library.
48. Letter dated October 24, 1905, in Judge Alexander S. Erwin Collection.
49. *Atlanta Journal*, November 4 (7, 6), 1905.
50. *Atlanta News*, November 14 (6, 6-7), 1905; *Echo*, November 24 (1, 2-3), 1905. In commenting on Davis' letter, the *News* editor said that Davis was a highly respected Baptist minister and a graduate of the University of Georgia, and that his letter was "definite and conclusive as to the high moral and personal character of Colonel Smith." His letter was "the generous expression of a noble friend whom he knows to be noble and generous, and believes to have been unjustly aspersed." Quoted in *Echo*, November 24 (4, 3), 1905.
51. *Atlanta Journal*, October 21 (9, 5), 1905.
52. *Echo*, December 1 (4, 2), 1905.
53. *Ibid.*, November 24 (1, 2-3), 1905; *Atlanta News*, November 14 (6, 7), 1905.
54. *Atlanta Journal*, July 29 (3, 1), 1906; *Elberton Star*, August 9 (3, 2-4), 1906.
55. *Atlanta Journal*, August 19 (16, 1-2), 1906.
56. *Echo*, August 3 (1, 5), 1906. See also *Athens Weekly Banner*, September 9 (2, 2-3), 1910.
57. *Echo*, August 10 (4, 3), 1906. Editor Shackelford warned Watson that he had better be careful or he might be brought to block on some of his own wickedness. "Nobody doubts his ability as a writer or speaker, but he must be sure he is not branded with Satan's mark before he can present himself to the people of Georgia as an angel who wears the spotless robes of purity." *Ibid.*, August 10 (4, 2).
58. *Macon Telegraph*, August 18 (4, 2), 1906.
59. Quoted in Greensboro *Herald-Journal*, August 3 (3, 4), 1906.
60. *Echo*, August 3 (3, 5), 1906.
61. *Atlanta Georgian*, August 7 (6, 2), 1906.
62. *Atlanta News*, August 16 (6, 1), 1906.
63. *Atlanta Georgian*, August 18 (8, 2), 1906.
64. *Danielsville Monitor*, August 17 (2, 2), 1906.
65. *Echo*, June 1 (4, 2), 1906.
66. *Atlanta Journal*, August 29 (1, 5; 6, 4-5), 1906; *Echo*, August 24 (1, 3-4), 1906. The *Marietta (Ga.) Journal*, the principal newspaper in Cobb County, did not mention Colonel Smith's name throughout the campaign; he got one vote in that county. The *Eatonton Messenger* (Putnam County) referred to Colonel Smith but once, and that incidentally. He received four votes in this county. Out of the 145 counties at this time, Smith got no votes in 40 and in 29 he got only 1 vote. Most of these counties were in Middle and South Georgia, but a few in extreme North Georgia.
67. *Atlanta Georgian*, August 18 (8, 2), 1906.
68. *Echo*, August 24 (1, 1), 1906.
69. *Ibid.*, February 14 (6, 1), 1930.

70. *Athens Banner*, August 24 (2, 1), 1906.
71. *Jackson Herald*, August 30 (4, 1), 1906.
72. Interview, September 28, 1958, with Mr. Paul A. Bowden, President of the First National Bank, Thomson, Ga.
73. *The Jeffersonian* (A weekly periodical, edited by Thomas E. Watson, Atlanta, Ga.), July 14 (1, 1-3), September 1 (1, 1-2), September 29 (8, 2), 1910.
74. *Echo*, September 9 (5, 2-5; 5, 4-5), 1910.
75. Koch interview with Hamilton McWhorter, Jr., Lexington, Ga., June 17, 1958.
76. E. K. Lumpkin, Athens, Ga., April 7, 8, 1908, to Hoke Smith, Atlanta, Ga., in Judge E. K. Lumpkin Papers.

CHAPTER XI

1. *Smith Candidacy*, 3 (col. 3).
2. Hunnicutt, ed., *Dickson and Smith*, 234.
3. For examples, see *Echo*, July 13 (3, 2), 1888; March 28 (8, 4), 1890; May 12 (8, 2), June 16 (4, 3), 1893; July 10 (6, 3), 1908; May 27 (6, 2), 1910.
4. *Ibid.*, September 28 (3, 3), 1928 (a reprint of the speech). See also *ibid.*, December 22 (1, 2-3; 9, 2-3), 1905; May 27 (6, 2), 1910.
5. *Jackson Herald*, January 14 (1, 5), 1904.
6. *Ibid.*, March 1 (2, 4), 1901. See also *Echo*, May 12 (8, 2), 1893.
7. *Athens Weekly Banner*, April 8 (1, 2), 1890. See also *Atlanta Constitution*, January 17 (11, 3-4), 1892.
8. *Echo*, May 19 (5, 1), 1893.
9. *Jackson Herald*, April 3 (2, 4), 1903.
10. *Echo*, April 7 (1, 5-6), 1899. See also *ibid.*, April 14 (7, 4), April 21 (1, 5).
11. *Athens Weekly Banner*, February 18 (6, 3), 1890.
12. *Echo*, April 14 (1, 5), 1899. See also *ibid.*, August 4 (1, 5), 1893; Hunnicutt, ed., *Dickson and Smith*, 206; *Hawkinsville Dispatch and News*, February 9 (4, 4), 1916.
13. *Echo*, April 7 (1, 5), 1899. Nobody "has ever charged that he achieved his success by oppressing the poor, or that he ever made a dollar dishonestly." *Anderson* (S. C.) *Daily Mail*, quoted in *Echo*, October 6 (5, 2), 1905.
14. *Echo*, June 4 (8, 4), 1897. This person was the editor of the *Walton News*.
15. *Jackson Herald*, May 22 (2, 1), 1903.
16. Hunnicutt, ed., *Dickson and Smith*, 219.
17. *Echo*, January 29 (5, 2-3), 1892. See also *ibid.*, May 12 (8, 2), 1893.
18. Smith's letter is dated January 4, 1910. It is in the Chancellor David C. Barrow Collection in the University of Georgia Library. Practically the same text may be found in Hunnicutt, ed., *Dickson and Smith*, 221-31. See also *Echo*, February 10 (5, 4), 1899.
19. *Echo*, November 25 (1, 4), 1898. Reprinted from a letter first published in the *Atlanta Constitution*.
20. *Echo*, July 1 (3, 6), 1884; October 11 (11, 2), 1907.
21. *Ibid.*, October 3 (1, 5), 1902.
22. *Ibid.*, October 3 (1, 4).
23. *Ibid.*, September 22 (7, 1-3), 1905.
24. *Ibid.*, February 23 (2, 2), 1906.
25. *Ibid.*, March 10 (5, 3), 1916.
26. *Ibid.*, January 12 (5, 3), 1906.
27. *Ibid.*, September 22 (7, 1-3), 1905.
28. *Ibid.*, December 2 (9, 2-3), 1904.
29. Hodgson, "A Great Farmer," 5732.
30. *Acts and Resolutions of the General Assembly of the State of Georgia. 1904* (Atlanta, 1904), 23-24. Act approved, August 13, 1904. See also E. S. Sell, *History of the State Normal School, Athens, Georgia* (No place, 1923), 35-36.
31. *Jackson Herald*, January 21 (4, 3), 1904.
32. *Athens Weekly Banner*, November 25 (1, 4-5), 1904.
33. *Washington (Ga.) Gazette-Chronicle*, October 4 (2, 2), 1904.

34. *Jackson Herald*, December 8 (4, 2), 1904.
35. *Gazette-Chronicle*, October 4 (2, 2), 1904.
36. *Echo*, June 28 (2, 2), July 5 (1, 4), 1901.
37. *Ibid.*, December 16 (12, 3), 1904.
38. *Ibid.*, August 31 (8, 3), November 23 (6, 1), 1906; Covington (Ga.) *Enterprise*, March 9 (1, 1-2), 1906.
39. Koch interview with Hamilton McWhorter, Jr., Lexington, Ga., June 17, 1958. See also *Echo*, March 10 (5, 3), 1916.
40. *Ibid.*, January 30 (1, 3), 1903. T. Larry Gantt was the person who at Colonel Smith's death was indebted to him \$1,188.55, which the administrators of the Smith estate marked off, "Insolvent. No value." Oglethorpe County Court of Ordinary, Smith Estate, Inventory C.
41. *Echo*, February 2 (5, 4), 1900.
42. Oglethorpe County Court of Ordinary, Smith Estate, Inventory C, 82-86.
43. And yet malicious hearsay was long to retail this story: Lay a dime on the steps of the Smith mausoleum, and the next morning it will be gone—the Colonel will reach out and get it.

CHAPTER XII

1. Hunnicutt, ed., *Dickson and Smith*, 213.
2. For instance, he calculated that on 400 acres he would clear each year for ten years \$10,000, which invested annually at 8 per cent compound interest would amount to \$144,865.70 at the end of the period. *Ibid.*, 211.
3. *Athens Weekly Banner-Watchman*, June 26, (3, 6), 1883.
4. Interview with Paul A. Bowden, September 28, 1958. On July 16, 1902, Colonel Smith wrote Judge A. S. Erwin, Athens, the following letter: "The Athens Manufacturing Company issued \$100,000 in 5 per cent bonds. I have seen one of the bonds. The bond only gives a mortgage on all the real estate. Does not say in what the real estate consists. It does not give a mortgage on all the machinery such as boilers, engines, water wheels, looms, spinning frames etc. My idea is that everything ought to be named in the bond. There is no record that he bought any of them. Letter in Judge Alexander S. Erwin Collection.
5. Oglethorpe County Deed Record, AA, 509-10, 315-16; FF, 154-55, 437.
6. *Ibid.*, BB, 188-90; EE, 145-46; NN, 440.
7. *Ibid.*, DD, 62-63; EE, 49; MM, 262-63.
8. *Ibid.*, GG, 264-65; II, 170, 538-39; KK, 313; Clarke County Deed Record, 4, p. 607; 7, pp. 554-55, 578; 14, p. 421; 16, p. 34.
9. Oglethorpe County Deed Record, GG, 239; KK, 742. See also *ibid.*, HH, 353-54, 546; LL, 374; KK, 322-23.
10. Elbert County Deed Record, RR, 515.
11. Madison County Deed Record, S, 151, 157, 438; T, 313, 463, 535, 550; U, 381, 394, 396, 579; V, 13; W, 28, 174; X, 557; Y, 98; A-2, 70, 206, 210, 255; B-2, 327, 392, 394, 560; C-2, 5, 357; D-2, 185; E-2, 184; F-2, 355; H-2, 191. Colonel Smith's purchases ranged from \$90 to \$4,000.
12. Madison County Deed Record, T, 530; V, 166, 184; W, 242, 434; X, 62, 416, 506; Z, 76, 78, 202, 280; A-2, 135; B-2, 265, 276, 575; C-2, 480; F-2, 228, 345; H-2, 428, 530; K-2, 303, 306, 307. Colonel Smith owned property here valued from \$60 to \$6,350.
13. For Danielsville, Madison County Deed Record, Y, 476, 477; for Hull, *ibid.*, Y, 503; C-2, 396; E-2, 359; for Carlton, *ibid.*, X, 453.
14. Clarke County Deed Record, 17, pp. 104, 107; 18, pp. 14, 48; 23, pp. 336-37; Petitions, 1918 (no page numbers).

15. E. K. Lumpkin, Athens, Ga., May 29, 1913, to Mrs. H. C. Todd, Saratoga Springs, N. Y., in Judge E. K. Lumpkin Papers. It was only a two-story building. See also Clarke County Deed Record, 13, pp. 355-56, 490; 17, pp. 267-68; Oglethorpe County Deed Record, NN, 243-44.
16. Jackson County Deed Record (in the Office of the Clerk of the Court, Jefferson, Ga.), BB, 295; FF, 226; GG, 23; 00, 356.
17. Greene County Deed Record, 10, p. 343.
18. Fulton County Deed Record (in the Office of the Clerk of the Court, Atlanta, Ga.), 189, pp. 442-44; 274, pp. 578-79; 336, p. 231; 337, pp. 272-77; Petitions, 1918 (no page numbers).
19. Inventory C, 94 ff; Petitions, 1918 (no page numbers).
20. Crisp County Deed Record (in the Office of the Clerk of the Court, in Cordele, Ga.), 1, p. 436; 2, p. 561; 4, pp. 337-39, 498; 6, pp. 292-94; *Transactions*, 336; Petitions, 1918 (no page numbers).
21. Oglethorpe County Deed Record, CC, 462-63; DD, 160-61; EE, 141-42; FF, 243-44; II, 12-13, 231-32; JJ, 12, 536-37, 569-70, 593, 658-61, 681-82; KK, 58-59, 306, 315-16, 288-89; LL, 198, 269-70, 374-75; MM, 177-78, 283-84, 296-97, 343-44, 535-36; NN, 206, 306; 00, 187-88, 461-63, 500, 502, 505.
22. Elbert County Deed Record, PP, 2-5; RR, 295, 324-33; XX, 278; Minutes F, 157-58; Petitions, 1918 (no page numbers). See also Elbert County Deed Record, NN, 562; 00, 327, 330; WW, 293, 487; XX, 289, 474; YY, 310, 547; ZZ, 220; 1, pp. 21, 42, 222, 265.
23. Jackson County Deed Record, BB, 295; FF, 226; GG, 23; NN, 93, 297; 00, 112, 218, 356; QQ, 239; Petitions, 1918 (no page numbers).
24. The two largest borrowers were A. S. Rhodes and E. S. Lyndon. The Empire Chemical Company borrowed considerable amounts. Clarke County Deed Record, 14, pp. 186-94; 11, pp. 4-8; 19, pp. 22-31; Oglethorpe County Deed Record, LL, 623-25, 662-65; MM, 469-73; Madison County Deed Record, F-2, 469. At the time of Colonel Smith's death, the note and interest of the Empire Chemical Company amounted to \$32,232.05. Final Return of A. C. Erwin, D. W. Meadow, J. O. Mitchell, N. D. Arnold, and L. K. Smith, Temporary Administrators of the Estate of James M. Smith, late of said County, Deceased. December 11, 1915, to March 17, 1916, Filed March 4, 1917 (in the Office of the Court of Ordinary of Oglethorpe County. Cited hereafter, Final Return, no page numbers); Clarke County Deed Record, 19, p. 70.
25. Clarke County Deed Record, MM, 333; PP, 454-56; QQ, 577; XX, 495; ZZ, 93-95, 98, 157-58; 3, p. 214; 4, pp. 518, 584-85; 5, pp. 466-67; 8, pp. 145, 441-42, 476; 9, pp. 57, 114; 10, pp. 45, 213, 216, 230, 390, 548, 619; 11, pp. 1, 2, 455; 12, pp. 608-609; 13, pp. 24-26, 127, 439, 458-60, 590; 14, pp. 164-65, 454-57; 15, p. 48; 16, pp. 111-12, 124, 141-42, 301, 403; 17, pp. 364, 533, 593-95.
26. McDuffie County Deed Record (in the Office of the Clerk of the Court, Thomson, Ga.), I, 476.
27. Greene County Deed Record, 13, p. 86.
28. Crisp County Deed Record, 4, pp. 596-98; 6, p. 340.
29. *Ibid.*, 1, p. 98; 6, pp. 127-28; 7, pp. 123-24; 8, p. 166.
30. Interview of Koch with Hamilton McWhorter, Jr., Lexington, Ga., June 17, 1958.
31. Oglethorpe County Deed Record, DD, 161-62; EE, 147-48; GG, 43-44, 236-38, 439, 688-89, 694-95, 697-700, 703-706; II, 150-66; JJ, 623; KK, 318-20, 359, 575; Madison County Deed Record, R, 320; A-2, 335; B-2, 490, 566; C-2, 46, 62, 481-83; D-2, 48; E-2, 291.
32. Oglethorpe County Deed Record, KK, 110-11.
33. Greene County Mortgage Record, M, 488-89.

34. Madison County Deed Record, L, 122.
35. Oglethorpe County Deed Record, KK, 323-24.
36. *Ibid.*, LL, 54-56.
37. Madison County Deed Record, D-2, 261. See also *ibid.*, D-2, 260; C-2, 501.
38. Inventory C, 73 ff.
39. Oglethorpe County's four banks were Bank of Lexington, Oglethorpe County Bank, Farmers Bank of Crawford, and Bank of Crawford.
40. Inventory C, 71-73; Final Return (no page numbers). These holdings and all others mentioned without date were owned by Colonel Smith at the time of his death. The other banks in Athens were Peoples Bank of Athens, Athens Savings Bank, and Farmers Bank of Athens.
41. Petitions, 1918 (no page numbers).
42. Inventory C, 71-73.
43. First Annual Return of Andrew C. Erwin, L. K. Smith, and N. D. Arnold, Administrators of the Estate of James M. Smith, Late of Said County, Deceased (no page numbers); Inventory C, 71-82; Petitions, 1918 (no page numbers); Final Return (no page numbers).
44. *Echo*, October 9 (5, 2), 1896.
45. Fulton County Deed Record, 314, pp. 196-99; Clarke County Deed Record, 21, pp. 565-67; Inventory C, 73-82.
46. *Atlanta Constitution*, January 14 (4, 6), 1892; *Echo*, January 15 (1, 5), 1892.
47. *Athens Weekly Banner-Watchman*, September 2 (3, 2), December 23 (4, 1), 1884; August 18 (3, 6), 1885.
48. *Ibid.*, July 6 (1, 7), November 9 (1, 9), November 30 (1, 3), 1886; April 12 (3, 4), May 17 (1, 5), June 28 (3, 4), August 23 (3, 2), December 6 (1, 1), 1887.
49. *Echo*, January 8 (1, 4), March 4 (1, 5), 1892.
50. Minutes of the Oglethorpe County Court of Ordinary (in the Office of the Court of Ordinary, Lexington, Ga.), G, 15; Oglethorpe County Deed Record, GG, 437-38; *Jackson Herald*, June 22 (4, 1), 1905; February 2 (1, 6), 1911; *Echo*, April 7 (7, 4), June 2 (9, 5), October 27 (4, 4; 5, all columns), 1905; June 3 (11, 1), 1910.
51. Koch interview with Earle M. Norman, Washington, Ga., June 17, 1958; Inventory C, 71.
52. *Echo*, March 13 (3, 2), 1931.
53. Inventory C, 73.
54. *Athens Weekly Banner-Watchman*, June 23 (3, 7), 1887, quoting *Macon Evening News*; *Echo*, February 17 (3, 5), 1888; *Athens Banner*, January 23 (1, 1), 1890.
55. *Newnan Herald*, quoted in *Echo*, March 28 (5, 2), 1890.
56. *Atlanta Constitution*, January 17 (11, 3-4), 1892.
57. *Echo*, December 2 (5, 2), 1898.
58. Hodgson, "A Great Farmer," 5722.
59. *Great Opportunity*, 14.
60. *New York Times*, December 12 (19, 6), 1915; *Atlanta Journal*, December 12 (3, 1), *Athens Herald*, March 21 (1, 6), 1916.
61. *Athens Weekly Banner-Watchman*, June 28 (3, 4), 1887; *Athens (Ga.) Weekly Chronicle*, May 25 (3, 2), 1889; *Echo*, April 7 (5, 2), November 24 (7, 2), December 8 (7, 3), 1893.
62. *Echo*, March 22 (5, 4), March 29 (5, 2), 1895.
63. *Ibid.*, April 19 (2, 4), 1901; October 16 (2, 2), 1903; November 27 (2, 3), 1908; *Athens Banner*, November 26 (1, 2), 1908.
64. *Echo*, March 13 (3, 3), 1931.

CHAPTER XIII

1. *Athens Weekly Banner-Watchman*, June 23 (3, 7), 1887, quoting the *Macon Evening News*; *Athens Weekly Banner*, April 8 (1, 2), 1890.
2. *Echo*, February 2 (5, 2), 1900; Telamon Cuyler Smith [Telamon Cuyler] Diary for 1893 (MS in the Telamon Cuyler Collection, in the University of Georgia Library), January 15.
3. *Echo*, April 7 (1, 3), 1899.

4. *Sunday American* (Atlanta), December 12 (1, 5), 1915.
5. Telamon Cuyler Smith Diary for 1893, January 15.
6. *Athens Weekly Banner-Watchman*, October 27 (3, 2), 1885.
7. *Echo*, September 10 (8, 2), 1897.
8. *Jackson Herald*, January 14 (1, 5), 1904. Colonel Smith was ultimately responsible for getting Frank "married off," actually picking his bride for him. The first-born was named James Smith Holder.
9. *Echo*, November 17 (2, 2), 1916.
10. *Athens Weekly Banner-Watchman*, September 4 (2, 3), 1883.
11. For example, *Echo*, March 10 (5, 3), 1916. See also *ibid.*, July 21 (5, 4), 1899; April 28 (2, 1-3), 1916.
12. *Athens Banner*, July 14 (1, 1-2), 1893. Although Colonel Jim was not ordinarily a contentious neighbor or overbearing in his dealings with his fellowman, yet adhering strictly and tenaciously to his fixed principle of having what was his own—neither cheating nor being cheated—he built up enemies, who got indictments against him. In 1871 Michael J. Fleeman secured an indictment against him for trespass, which was dismissed by the Superior Court (Oglethorpe County Minutes Superior Court, 1868-1871, p. 416). At this same term of court, he was indicted for "Assault and Battery," but the records do not show whether or not this indictment grew out of the same incident of trespass (*ibid.*, 375). It would seem reasonable that it did. The indictment must have been withdrawn, since there is no record of Colonel Jim ever having been brought to trial. It is interesting to note that at this term of court (the October adjourned term of 1871, meeting November 20 and ending December 15) Colonel Smith was one of the Grand Jurors, but it happened that he was not on this jury when the indictments were brought against him, for he was withdrawn to serve on a Special Petit Jury No. 2 (*ibid.*, 368, 373, 378, 380, 381, 382). In subsequent years Colonel Smith was in court on several occasions in connection with civil suits which he brought for the collection of debts.
13. *Athens Banner*, January 23 (1, 2), 1890. T. Larry Gantt was the person referred to.
14. *Athens Weekly Banner*, June 3 (5, 3), 1890.
15. *Echo*, June 19 (5, 4), 1891. See also Hunnicutt, ed., *Dickson and Smith*, 215; *Athens Weekly Banner*, June 26 (6, 3-4), 1903. John N. Holder said that Colonel Smith knew the name of every person on his place, "both black and white, old and young. He also knows the name of every horse and mule on all his farms." *Jackson Herald*, August 9 (2, 3), 1895.
16. Northen, ed., *Men of Mark in Georgia*, VI, 52.
17. *Macon Telegraph*, April 11 (3, 4), 1916.
18. Echols, *Georgia's General Assembly*, 1878, p. 145. W. A. England, an eccentric peddler and itinerant preacher, visited Smith about 1900 and tried to convert him to Methodism. Upon the Colonel not taking to the idea, England said that some historian would write: "In those days there was a man whose name was James M. Smith, who attained a great prominence in life, who was a successful farmer and great financier, but he died as the fool dies, without God and without hope in the world." *Life and Travels of W. A. England* (Athens, Ga., 1902), 72-73.
19. *Echo*, April 7 (1, 4), 1899.
20. James M. Smith, Winterville, Ga., September 10, 1880, to Col. D. C. Barrow, Woodville, Ga. (in Colonel David C. Barrow Collection, in the University of Georgia Library).
21. *Athens Weekly Banner-Watchman*, August 23 (1, 4), 1887.
22. James M. Smith, Smithonia, Ga., November 15, 1912, to C. L. Pridgeon, Athens, Ga. (in possession of the present writer).
23. *Echo*, August 4 (1, 6), 1893.

24. *Jackson Herald*, December 14 (10, 1), 1905. See also Northen, ed., *Men of Mark in Georgia*, VI, 52.
25. Hunnicutt, ed., *Dickson and Smith, passim*; *Echo*, May 6 (4, 1), 1910.
26. *Jackson Herald*, May 11 (4, 5), 1905.
27. Hunnicutt, ed., *Dickson and Smith*, 199.
28. *Ibid.*, 219.
29. *Echo*, June 5 (6, 1), 1903.
30. *Athens Weekly Banner*, December 11, (3, 2), 1903.
31. *Echo*, May 8 (8, 4), 1891.
32. *Athens Weekly Banner*, March 27 (7, 5), 1894. "Many persons who know Col. Smith's great mind, say that he and Senator [Joseph E.] Brown are the most practically sensible men that the whole South has ever produced. . . . There are a great many Georgians who would like to see Col. Smith governor of the State." *Macon Evening News*, quoted in *Athens Weekly Banner-Watchman*, January 23 (3, 7), 1887.
33. Koch interview with Earle M. Norman, Washington, Ga., June 17, 1958.
34. Loose Papers; *Echo*, September 23 (1, 5), 1883.
35. *Echo*, February 2 (5, 3), 1900.
36. *Ibid.*, March 9 (3, 3), 1888.
37. *Ibid.*, June 4 (8, 1), 1897.
38. *Ibid.*, February 2 (5, 3), 1900.
39. *Ibid.*, February 14 (6, 1), 1930; *Great Opportunity*, 5; Koch, "All the Land," 62.
40. *Jackson Herald*, January 18 (1, 4), 1906.
41. *Echo*, February 23 (7, 2), 1906.
42. Inventory C, 91-92.
43. *Great Opportunity*, 5.
44. *Athens Banner*, January 23 (1, 2), 1890.
45. *Jackson Herald*, July 20 (3, 2), 1894. See also James M. Smith, Smithonia, Ga., March 27, 1902, to Judge Alexander S. Erwin, in Judge Alexander S. Erwin Collection; Hodgson, "A Great Farmer," 5726; *Transactions*, 466; *Jackson Herald*, August 9 (2, 3), 1895.
46. *Echo*, September 28 (1, 5), 1888.
47. *Ibid.*, August 4 (1, 6), 1893. See also *Athens Weekly Banner-Watchman*, November 9 (1, 6), 1886; *Transactions, passim*.
48. Telamon Cuyler Smith Diary for 1893, May 20; *Jackson Herald*, January 18 (1, 4), 1906.
49. *Jackson Herald*, August 9 (2, 3), 1895.
50. James M. Smith, Smithonia, Ga., January 31, 1902, to Judge Alexander S. Erwin, in Judge Alexander S. Erwin Collection.
51. Letter, James M. Smith, Smithonia, Ga., May 10, 1909, to Cousin Dora Smith, Highlands, N. C., in Loose Papers.
52. *Jackson Herald*, June 23 (1, 3), 1904.
53. *Echo*, July 13 (1, 2), 1894.
54. *Ibid.*, November 24 (1, 2-3), 1905. The person reporting was the Reverend Phil. W. Davis.
55. *Ibid.*, July 19 (4, 3), 1889.
56. *Athens Weekly Banner*, August 22 (7, 2), 1893.
57. *Echo*, June 1 (5, 5), 1894. See also *ibid.*, March 16 (5, 3), 1894.
58. *Athens Banner*, November 23 (4, 4), 1905. See also *Echo*, May 8 (8, 1-4), 1891; August 4 (1, 5), 1893.
59. *Echo*, June 30 (3, 5), 1905 (for first quotation); *Athens Weekly Banner*, December 11 (3, 2), 1903 (for second quotation). See also *Echo*, January 30 (1, 3), 1903; March 4 (1, 5), 1904.
60. *Echo*, July 21 (5, 4), 1899. See also *Jackson Herald*, June 23 (1, 4), 1904.
61. *Jackson Herald*, May 22 (2, 1), 1903. See also *ibid.*, April 3 (2, 4), 1903.
62. Chancellor Walter B. Hill, Athens, Ga., March 30, 1904, to Dr. H. C. White, Athens, Ga., in Chancellor Walter B. Hill Papers, in the University of Georgia Library; *Athens Weekly Banner*, July 3 (1, 1), 1903; *Jackson Herald*, March 28 (4, 1), 1907; *Echo*, May 8 (2, 2), 1903.
63. *Union Recorder*, February 27 (3, 4), 1906.
64. *Echo*, June 15 (5, 5-6), 1888; June 4 (8, 1-5), 1897.
65. *Ibid.*, September 19 (5, 2), 1890; February 2 (2, 2), 1906.
66. *Athens Weekly Banner*, June 24 (6, 1), 1890; *Echo*, December 22 (7, 1),

- 1893; June 24 (1, 1-2), 1904; January 26 (1, 5), 1912.
67. *Athens Weekly Banner*, February 10 (6, 3), 1891; *Echo*, February 20 (1, 3); March 6 (1, 6), 1891.
68. *Atlanta Constitution*, August 4 (1, 1), 1893; *Atlanta Journal*, August 5 (11, 1), 1893; *Echo*, August 4 (2, 4); August 11 (3, 3); *Jackson Herald*, June 23 (1, 3), 1904.
69. *Athens Banner*, May 10 (4, 4), 1905; *Echo*, April 20 (5, 5), 1894; November 27 (5, 2), 1896; August 23 (5, 2), 1901; May 23 (6, 2), 1902; May 25 (10, 2), 1906.
70. *Athens Banner*, June 2 (1, 5), 1893; *Echo*, June 16 (4, 3-4; 5, 4), 1893.
71. *Echo*, August 24 (1, 5), August 31 (8, 1), 1894. See also *ibid.*, July 13 (1, 2; 1, 5).

CHAPTER XIV

1. *Echo*, February 14 (6, 1), 1930.
2. Hodgson, "A Great Farmer," 5733.
3. *Echo*, February 14, (6, 1), 1930.
4. *Ibid.*, April 6 (1, 4), 1894; *Athens Weekly Banner*, March 27 (7, 5), 1894.
5. *Echo*, September 23 (5, 1), 1898.
6. *Athens Weekly Banner*, December 11 (3, 1), 1903.
7. *Echo*, February 2 (5, 2), 1900. See also *ibid.*, December 8 (6, 2), 1911.
8. *Jackson Herald*, March 1 (2, 4), 1901.
9. *Athens Weekly Banner*, August 5 (3, 3-4), 1904; *Echo*, December 4 (2, 4), 1903; August 5 (3, 4), October 7 (1, 2), 1904; December 25 (3, 5), 1908.
10. *Echo*, December 18 (2, 4), December 25 (9, 4), 1903; January 29 (1, 3), February 26 (5, 2), March 4 (1, 5), December 2 (2, 2), 1904; February 3 (1, 2), 1905; March 10 (5, 3), 1916.
11. *Ibid.*, August 11 (10, 5), 1905.
12. *Ibid.*, August 9 (5, 1-2), August 16 (1, 2), 1907.
13. *Ibid.*, January 10 (2, 1), November 13 (2, 5), 1908. See the latter part of Chapter I of this study.
14. *Great Opportunity*, 3-6, 13. A copy of this rare pamphlet is included in the Augusta Federal District Court Equity Case 18, a mass of records relating to the Settlement of the James M. Smith Estate, filling approximately two standard office cabinet drawers. They are housed in the Federal Records Center, in East Point, Ga. See also *Echo*, December 8 (7, 2), 1911.
15. *Echo*, December 1 (4, 1), 1911.
16. *Ibid.*, January 27 (4, 2), 1905.
17. *Ibid.*, April 7 (1, 3), 1899.
18. *Ibid.*, March 10 (3, 2), 1916.
19. *Ibid.*, July 16 (3, 5), 1875.
20. *Ibid.*, June 15 (5, 5), 1888.
21. *Ibid.*, May 6 (4, 1), 1910. See also Inventory C, 92; Madison County Deed Record, E-2, p. 232. He bought a Maxwell Roadster in 1912, paying \$525 for it, and in 1913 he bought a Ford.
22. *Echo*, May 13 (2, 4), 1910.
23. *Smith vs. Dalton*, 3-4; *Echo*, April 26 (3, 1), 1889; May 25 (5, 2), 1892; June 4 (8, 1), 1897; March 10 (3, 2), March 17 (1, 3), March 24 (2, 2), 1916. His half-sister Mrs. Jones died in 1900. *Ibid.*, December 14 (2, 2), 1900. His nephew John T. died in 1892. See also *United States Supreme Court* (booklet), 18.
24. Interview with Paul A. Bowden, September 28, 1958.
25. James M. Smith, Winterville, Ga., September 10, 1880, to Colonel David C. Barrow, Woodville, Ga. (in possession of the present writer).
26. *Echo*, January 23 (1, 2), 1891.
27. *Ibid.*, May 6 (5, 3), 1892; November 3 (7, 3), November 10 (7, 2), November 17 (7, 4), 1893; *Athens Weekly Banner*, November 14 (6, 2), 1893. It was reported that he was "suffering greatly with one of his eyes." *Ibid.*
28. *Echo*, February 14 (5, 3), June 5 (5, 3), 1896.
29. *Athens Banner*, April 17 (3, 4), May 10 (5, 2), May 25 (3, 3), 1900; *Echo*, April 20 (2, 2), 1900; *Jackson Herald*, April 11 (2, 1), 1902.

30. *Echo*, April 14 (2, 3), 1905; October 25 (2, 4), 1912; *Jackson Herald*, April 6 (4, 4), 1905.
31. *Transcript*, 610, 707; *Echo*, September 17 (1, 2), October 1 (1, 2), October 8 (1, 4), 1915; November 10 (2, 1), 1916; *Jackson Herald*, December 2 (1, 6), 1915.
32. *Echo*, November 5 (1, 3), November 12 (1, 2), 1915.
33. *Ibid.*, November 10 (2, 1), 1916; *Jackson Herald*, December 16 (1, 3), 1915. *Atlanta Sunday American*, December 12 (1, 1), 1915; *Columbus Enquirer-Sun*, December 12 (1, 4), 1915; *Athens Herald*, February 26 (6, 2), 1916.
34. *Echo*, December 17 (1, 3), 1915.
35. *Washington (Ga.) Reporter*, December 14 (4, 1), 1915.
36. *Athens Weekly Banner*, December 17 (2, 2), 1915.
37. *The Newnan Herald and Advertiser*, quoted in the *Hawkinsville Dispatch and News*, February 9 (4, 4), 1916.
38. Phillip Watkins Davis, Jr., in the *Echo*, December 24 (2, 1), 1915.
39. *Atlanta Sunday American*, December 12 (1, 1), 1915 (6 o'clock morning edition).
40. *Ibid.*, December 12 (1, 4), 1915 (1 o'clock afternoon mail edition); *Athens Herald*, December 13 (1, 4), 1915; *Washington (Ga.) Reporter*, December 14 (2, 3), 1915; *Echo*, December 17 (1, 4), 1915; November 10 (2, 1), 1916; *Greensboro Herald-Journal*, December 17 (1, 4), 1915. Among the honorary pallbearers were Judge David W. Meadow, Nat D. Arnold, Hamilton McWhorter, Jr., Andrew C. Erwin, Horace M. Holden, John R. White, Frank Holder, William Gottheimer, Harry Hodgson, Sr., J. Y. Carithers, John White Morton, and Judge Andrew J. Cobb. *Jackson Herald*, December 16 (1, 3), 1915.
41. *Echo*, November 21 (1, 4), 1919. The mausoleum cost \$9,860. *Ibid.*, August 16 (1, 4), 1918.

CHAPTER XV

1. Oglethorpe County Court of Ordinary Minutes, F, 72-78; *United States Supreme Court*, 2-3; *Smith vs. Dalton*, 1-2; *Athens Herald*, March 3 (5, 1), 1916; *Echo*, January 14 (5, 5), 1916.
2. Inventory, C, 69;70; *United States Supreme Court*, 13, 54; Oglethorpe County Court of Ordinary Minutes, F, 72-74.
3. *Atlanta Georgian*, December 11 (1, 1), December 12 (1, 4), 1915; *Hawkinsville Dispatch and News*, December 15 (6, 1), 1915; *Echo*, January 14 (1, 3), 1916.
4. Inventory, C, 69-105; Oglethorpe Court of Ordinary Annual Returns EE, 34; Final Return (no page numbers); *Hawkinsville Dispatch and News*, March 22 (4, 1), 1916.
5. First Annual Return, March-June, 1917; Oglethorpe County Court of Ordinary 1st Annual Return. Filed in Office, 11th July 1919 [this is by the Permanent Administrators] (no page numbers); Oglethorpe County Court of Ordinary, Petitions, 1918 (no page numbers); Inventory, C, 94-104; Oglethorpe County Court of Ordinary, Second Annual Return of Andrew C. Erwin, L. K. Smith, and N. D. Arnold, Administrators of the Estate of James M. Smith, Late of Said County, Deceased, June 15, 1917, to June 19, 1918 (no page numbers); *Echo*, December 8 (1, 5), 1916.
6. *Echo*, June 8 (8, 4), August 3 (1, 5), September 7 (7, 1-3), September 28 (10, 2-5), 1917.
7. Oglethorpe County Court of Ordinary Minutes, F, 223, 234; *Echo*, October 5 (1, 3-4), October 12 (1, 3), 1917; *Dahlonega Nugget*, October 12 (2, 1), 1917.
8. Oglethorpe County Court of Ordinary Minutes, F, 83-84; *Echo*, February 11 (1, 3), 1916.
9. *Echo*, February 25 (5, 3), 1916.
10. *Dahlonega Nugget*, October 19 (2, 1), 1917.

11. *Macon Telegraph*, April 6 (7, 2), 1916.
12. *Transcript*, 423.
13. *Ibid.*, 422. See also *Toccoa Record*, May 3 (6, 2), 1916; *Athens Herald*, April 5 (1, 3), 1916.
14. *Transcript*, 714.
15. *Ibid.*, 716.
16. *Athens Weekly Banner*, March 10 (4, 1-2), 1916.
17. *Transcript*, 472.
18. *Toccoa Record*, April 13 (6, 2), 1916. See also *Athens Herald*, April 5 (1, 3), 1916.
19. *Lawrenceville News Herald*, November 2 (2, 1), 1916. "There are seven hundred claimants to Col. James M. Smith's estate in Oglethorpe." *Dahlonega Nugget*, March 3 (2, 1), 1916.
20. *Lawrenceville News Herald*, March 9 (2, 1), 1916.
21. *Echo*, February 11 (1, 3), 1916.
22. *United States Supreme Court*, 6, 15-17; *Brief of Appellants* (56 pages) in *United States Circuit Court of Appeals, Fifth Circuit, No. 2928. Zadock Smith et al., Appellants vs. Mrs. M. S. Jennings et al., Appellees* (in *Federal Records Center, New Orleans, La.*), 49-50; *Appellants' Brief in Reply to Brief of Boatright Intervenor* (17 pages). *ibid.*, 5; *Brief for Mrs. M. S. Jennings et al., Group No. 1 Appellees* (68 pages), *ibid.*, 68; *Smith vs. Dalton*, 7-8; *Transcripts*, 6; *Athens Daily Herald*, February 8 (1, 1), February 25 (1, 6), March 2 (1, 7), March 3 (1, 6), March 4 (8, 2-3), April 5 (1, 3), April 7 (1, 1), April 10 (1, 3), 1916; *Macon Telegraph*, April 6 (7, 2), April 8 (1, 5), April 12 (1, 2), April 16 (2, 5-6), April 20 (10, 1), 1916; January 29 (1, 4), 1918; *Macon News*, April 15 (1, 5), 1916; *Echo*, July 7 (1, 3), 1916. The lawyers connected with this case were: E. K. Lumpkin, Sr., E. K. Lumpkin, Jr., W. M. Howard, John J. Stickland, Pemberton Cooley, Thomas J. Shackelford, Roy M. Strickland, Stanhope Erwin, Homer Sutton, Henry S. West, and Frank H. Colley.
23. *Toccoa Record*, April 13 (6, 1), 1916.
24. *Macon Telegraph*, April 26 (1, 2), 1916; *Athens Herald*, April 25 (1, 6), 1916; *Echo*, April 28 (1, 5), 1916.
25. These lawyers were Davis & Davis of Toccoa and J. T. Chapman of Savannah.
26. *Athens Herald*, April 4 (8, 3), April 7 (1, 2), 1916; *Macon Telegraph*, April 19 (1, 2), April 20 (10, 1), 1916; *Smith vs. Dalton*, 9-11.
27. *Transcript*, 267; *Atlanta Journal*, May 11 (19, 6), 1916; *Athens Herald*, April 4 (8, 2), 1916.
28. *Athens Herald*, April 5 (1, 4), 1916.
29. The St. Louis lawyers were Archibald Blackshear and Frank Ott.
30. *Echo*, February 11 (1, 3), 1916.
31. *Ibid.*, May 26 (7, 3), 1916.
32. *Ibid.*, June 23 (1, 4), 1917.
33. *Atlanta Journal*, November 14 (4, 2), 1917.
34. *Echo*, November 10 (2, 1), 1916.
35. *Ibid.*, March 10 (1, 3), 1916.
36. *Athens Herald*, May 16 (1, 3), 1916.
37. *Ibid.*, June 9 (1, 2).
38. *Echo*, June 22 (1, 4), 1917.
39. Oglethorpe County Court of Ordinary Minutes, F, 303-305.
40. *Echo*, January 18 (1, 3), 1918.
41. *Ibid.*, March 1 (3, 2).
42. *Ibid.*, November 16 (2, 1), 1917.
43. *Ibid.*, November 16 (2, 1), November 30 (3, 1), 1917; March 15 (2, 1-2), 1918; *Athens Weekly Banner*, March 8 (2, 1-2), 1918.
44. *Athens Weekly Banner*, December 14 (3, 2), 1917.
45. *Atlanta Journal*, November 25 (8, 3), 1917.
46. *Atlanta Constitution*, March 12 (editorial page), 1916. Reprinted in *Echo*, March 24 (2, 1), 1916.
47. W. W. Ballew, October 14, 1917, to J. A. Portwood, Washington, Ga. (in *M. S. Jennings et al. vs. Zadock Smith et al.* in *Federal Records Center, East Point, Ga.*); *Rule for Contempt Answer of T. O. Estes*, *ibid.*; Oglethorpe County Superior Court Minutes, 1917, p. 125; Oglethorpe County Court of Ordinary Minutes, F, 303; *Athens Her-*

- ald*, April 10 (1, 2-3), 1916; *Athens Weekly Banner*, December 14 (3, 2), 1917; *Echo*, October 20 (1, 2), October 27 (1, 3), 1916.
48. The lawyers in this case were: Barnett, Bugg & Lee of Monroeville, Ala.; Adams and Stephens of Dallas, Texas; H. C. Rankin of Brewton, Ala.; and Stevens, McCorvey & McLeod of Mobile, Ala.
49. The attorneys in this case were W. M. Futch & John M. Tipps.
50. *Transcript*, 610-11; *Echo*, December 8 (1, 5), 1916; *Athens Herald*, April 12 (3, 4), 1916; *Macon Telegraph*, April 13 (6, 1), 1916. "Col. Smith DID NOT HAVE ANY NEGRO CHILDREN. As a young man full of curiosity, I investigated this matter fully." Hamilton McWhorter, November 17, 1958, Lexington, Ga., to E. M. Coulter, Athens, Ga.
51. *United States Supreme Court*, 8; *Macon Telegraph*, April 9 (12, 3), 1916; *Athens Herald*, April 5 (1, 3), 1916.
52. First Annual Return, March-June, 1917 (no page numbers); *Echo*, February 25 (2, 3), April 7 (1, 3-4), 1916; March 30 (1, 3), 1917; *Athens Daily Herald*, April 5 (1, 3-3), 1916.
53. Oglethorpe County Superior Court Minutes, 1917, pp. 164-65, 218-20; *Echo*, June 20 (1, 3), July 18 (7, 3), 1919.

CHAPTER XVI

1. *United States Supreme Court*, 4-5; *Athens Herald*, April 7 (1, 2), 1916.
2. *Transcript*, 161-62; *Athens Herald*, February 24 (1, 1), February 25 (1, 6-7), April 15 (1, 7), 1916.
3. *Macon Telegraph*, April 6 (1, 5), 1916.
4. *United States Supreme Court*, 5; *Echo*, March 3 (1, 3), 1916.
5. *Macon Telegraph*, April 16 (fourth section, 2, 2), 1916.
6. *Ibid.*, April 6 (1, 5), April 9 (1, 2), April 16 (fourth section, 2, 1-2), 1916; *Echo*, April 21 (2, 2-3), 1916.
7. *Athens Herald*, April 15 (1, 7), 1916. See also *Echo*, March 10 (1, 3), May 2 (1, 6), 1916; *Macon Telegraph*, April 9 (1, 6-7), 1916.
8. *United States Supreme Court*, 5; *Athens Herald*, February 26 (1, 2), March 1 (1, 2), 1916; *Echo*, March 3 (1, 3), 1916.
9. *Atlanta Journal*, February 18 (1, 2), 1916.
10. *United States Supreme Court*, 6; *Smith vs. Dalton*, 9-11; *Atlanta Journal*, May 2 (1, 6), 1916; *Athens Herald*, March 3 (1, 6; 5, 2), 1916; *Echo*, March 10 (1, 3), 1916.
11. *Macon News*, April 1 (4, 4), 1916; *Hawkinsville Dispatch and News*, April 5 (1, 2), 1916; *Echo*, March 17 (1, 3), April 14 (2, 3), 1916; *Athens Herald*, March 13 (1, 6), 1916.
12. *Echo*, April 7 (1, 3), 1916.
13. *Macon Telegraph*, April 19 (4, 3), 1916.
14. *Hawkinsville Dispatch and News*, April 19 (4, 1), 1916.
15. *Madisonian* (Madison, Ga.), March 3 (4, 1), 1916.
16. *Atlanta Constitution*, February 22 (8, 1), 1916.
17. *Macon News*, April 10 (4, 2), 1916.
18. *Echo*, April 21 (2, 1), 1916.
19. E. K. Lumpkin, Athens, Ga., December 15, 1915, to Mrs. Hiram C. Todd, Saratoga Springs, N. Y., in Judge E. K. Lumpkin Papers. For the story of the bequest to the German shoemaker, see Mark Twain, *Life on the Mississippi* (New York, 1911), 262-86. Ten years after the estate had been settled, a contemporary looking back on the scene said that the estate went into litigation "and for awhile it looked as if it would be divided among the lawyers." *Echo*, March 13 (3, 2), 1931.
20. *Appellants' Brief in Reply to Brief of Boatright Intervenors* (17 pages) (in Federal Records Center, East Point, Ga.), 5; *Brief for Mrs. M. S. Jennings et al. Group No. 1—Appellees* (68 pages) (*ibid.*), 68; E.

- K. Lumpkin, Athens, Ga., February 25, 1916, to Mrs. H. C. Todd, Saratoga Springs, N. Y., in Judge E. K. Lumpkin Papers; *United States Supreme Court*, 14-17; Smith vs. Dalton, 7-8; *Transcript*, 6, 397-474; *Athens Herald*, February 8 (1, 1), February 25 (1, 6), March 2 (1, 7), April 4 (8, 2-3), April 5 (1, 3), April 10 (1, 3), 1916; *Macon Telegraph*, April 6 (7, 2), April 12 (1, 2), April 16 (2, 5-6), 1916; *Macon News*, April 15 (1, 5), 1916; *Echo* April 14 (1, 3), July 7 (1, 3), 1916. For the Jennings et al. claimants originally the lawyers were: E. K. Lumpkin, Sr., E. K. Lumpkin, Jr., W. M. Howard, John J. Strickland, Pemberton Cooley, Thomas J. Shackelford, Henry S. West, Homer Sutton, Stanhope Erwin, Colley & Colley, and Roy M. Strickland.
21. *Brief for Appellants, Smith vs. Jennings* (56 pages) (in Federal Records Center, East Point, Ga.), 14-15, 49-50; *Athens Herald*, February 25 (1, 6-7), April 7 (1, 1), April 8 (1, 3), April 18 (1, 1-2), 1916; *Macon Telegraph*, April 8 (1, 5), April 18 (1, 2), April 19 (1, 2), April 20 (10, 1), 1916; *Atlanta Constitution*, March 5 (3, 7), 1916; *Jackson Herald*, December 16 (1, 3), 1915; *Echo*, March 17 (1, 3), April 21 (1, 2), 1916; *Washington (Ga.) Reporter*, December 14 (1, 4), 1915.
 22. *Reply Brief of Josephine Humphries, et al., on Answer and Cross Bill Appellees* (57 pages) (in Federal Records Center, East Point, Ga.), 55; *Transcript*, 496-666; *Athens Herald*, April 6 (1, 1), April 12 (1, 1), April 28 (1, 1), 1916; *Macon News*, April 13 (4, 2), 1916.
 23. *Transcript*, 539-40, 610-11; *Macon Telegraph*, April 14 (7, 5), 1916; *Echo*, April 7 (1, 3), April 21 (2, 1-2), 1916.
 24. *Macon Telegraph*, April 29 (1, 7), 1916. See also *ibid.*, April 26 (1, 2), April 29 (3, 2-3), 1916; *Athens Herald*, March 30 (1, 7), 1916.
 25. *Athens Herald*, April 29 (1, 5), 1916.
 26. The receivers were John R. White, Rufus L. Moss, Charles H. Phinizy (all of Athens), and W. P. Carpenter of Atlanta. Chief counsel was Orville Park of Macon. *Athens Herald*, May 1 (1, 4), 1916. See also *ibid.*, May 3 (1, 6), May 4 (1, 6), May 9 (1, 2), 1916; *Echo*, May 5 (1, 3), 1916; *United States Supreme Court*, 22.
 27. Oglethorpe County Court of Ordinary Minutes, F, 144; Permanent Orders. Estate of James M. Smith (in Office of Oglethorpe County Court of Ordinary); Estate of James M. Smith. Orders Continuing a Hearing in Matters (in Office of Oglethorpe County Court of Ordinary).
 28. *Athens Herald*, May 11 (1, 2), May 12 (1, 3-4), 1916; *Macon News*, May 12 (1, 3), 1916; *Macon Telegraph*, May 13 (1, 6), 1916; *Echo*, May 19 (2, 1-2), 1916; *Toccoa Record*, July 27 (6, 1), 1916.
 29. Smith et al. v. Dalton et al., in 146 Ga., 615; *Report of Cases Decided in the Supreme Court of the State of Georgia at the October Term, 1916, and March Term, 1917* (Atlanta, 1917), 615-16; *Oglethorpe Echo*, August 11 (1, 3), September 15 (6, 5), September 22 (1, 3), 1916; *Athens Weekly Banner*, August 11 (5, 4-5), September 15 (8, 4-5), 1916. The receivers appointed by Judge Jones were W. B. Sloan of Gainesville, Garnet McMillan of Clarkesville, and Frank P. Holder of Jefferson.
 30. *Athens Weekly Banner*, October 6 (3, 3), 1916; *Macon Telegraph*, October 5 (1, 6), December 13 (1, 6), 1916; *Echo*, October 6 (1, 3), December 22 (1, 3-4), 1916; *Toccoa Record*, December 14 (6, 2), 1916.
 31. Oglethorpe County Court of Ordinary Minutes, F, 183-84.
 32. *Echo*, November 10 (2, 1), 1916.
 33. *File No. 25,686. Supreme Court of the United States, October Term, 1916, Term No. 856. Mrs. M. S. Jennings et al., Petitioners, vs. L. P. Smith et al. Order on Petition for Writ of Certiorari, No. 2928. Filed*

March 6, 1917 (a one-sheet form in Federal Records Center, East Point, (Ga.). See also *Echo*, March 9 (1, 3), 1917.

34. *Athens Weekly Banner*, December

14 (3, 2-3), 1917; *Atlanta Journal*, November 14 (4, 1), November 25 (8, 3), 1917; *Echo*, June 15 (3, 2), October 26 (7, 1), November 2 (1, 2), 1917.

CHAPTER XVII

1. E. K. Lumpkin, Athens, Ga., December 15, 1915, to Mrs. Hiram C. Todd, Saratoga Springs, N.Y., in Judge E. K. Lumpkin Papers.
2. *New York Times*, April 13 (13, 5), 1916; *Echo*, January 14 (1, 3), October 20 (1, 5), 1916; March 22 (2, 2), 1918.
3. *Macon Telegraph*, April 10 (1, 1), 1916; *Echo*, April 14 (2, 1-2), 1916; *Washington (Ga.) Reporter*, April 14 (11, 1-2), 1916.
4. *Transcript*, 544-45; *Athens Herald*, April 17 (4, 3), 1916; *Macon News*, April 13 (4, 4), 1916.
5. *Echo*, November 16 (1, 3-4; 2, 1), 1917.
6. Florence W. Sibley, Marietta, Ga., June 30, 1959, to E. M. Coulter, Athens, Ga. (in possession of present writer).
7. The original will is in the Office of the Court of Ordinary, in the Oglethorpe County Courthouse, Lexington, Ga. The text of the will was published in *Echo*, November 23 (2, 1; 3, 1-2), 1917, and copied in Record of Wills, F, 232-35, 243-45 (in Office of Court of Ordinary, in the Oglethorpe County Courthouse, Lexington, Ga.).
8. *Echo*, November 16 (1, 3), 1917.
9. *Ibid.*, November 16 (1, 3), November 23 (2, 1; 3, 1-2), 1917.
10. Mrs. Shehane's mother had died in 1912 in Winterville, leaving to her daughter all her property, which Colonel Smith bought in 1913 for \$1,300. Mrs. Shehane then moved to Greensboro, Ga., to live with relatives, and there she met James F. Shehane, of a South Carolina family, and they were married in March, 1916. Mrs. Shehane's mother was of the Heard family of Wilkes County. Mrs. Shehane was born November 2, 1889. She attended Brenau College, Gainesville, Ga. for a year or two. *Transcript*, 770-71; Clarke County Deed Record, 14, p. 108; *Echo*, October 5, (3, 2), 1923; March 13 (3, 2), 1931; *Macon Telegraph*, November 14 (L, 6), 1917.
11. *Echo*, December 21 (11, 1), 1917.
12. *Ibid.*, January 4 (1, 5), 1918.
13. Oglethorpe County Court of Ordinary Minutes, F, 311.
14. *Ibid.*, 297, 303; Oglethorpe County Superior Court Minutes, 1917, p. 149.
15. Oglethorpe County Court of Ordinary Minutes, F, 298-99, 303; *Echo*, December 7 (1, 4), 1917.
16. Oglethorpe County Court of Ordinary Minutes, F, 294, 297-99, 303.
17. *Ibid.*, 310; *Echo*, January 11 (1, 3), February 8 (1, 3), 1918; *Macon Telegraph* January 8 (2, 3), 1918.
18. *Atlanta Journal*, November 14 (4, 1), 1917; *Macon Telegraph*, December 1 (1, 6), 1917; *Echo*, December 7 (3, 1-2), 1917.
19. *Echo*, November 30 (4, 4), 1917.
20. *Ibid.*, December 7 (4, 1).
21. *Ibid.*, December 7 (3, 1-2).
22. *Athens Weekly Banner*, December 14 (3, 1-3). In March, 1917, Mitchell had married Annie Smith, a daughter of Colonel Smith's half-brother John L. Smith. They were married in the Ansley Hotel in Atlanta and spent their honeymoon in Cuba. It was charged by some people that Mitchell kept the will hidden until he "accidentally discovered it." This charge hardly seems logical, for it might have been to his advantage if the will had never been found, for neither he nor his wife were mentioned in it. *Echo*, March 9 (1, 4), 1917.
23. *Ibid.*, March 8 (3, 1-2), 1918.
24. The lawyers who defended Ballew were Richard B. Russell of Winder,

- Marion Smith of Atlanta, and Austin Bell and Abit Nix of Athens. *Ibid.*, March 22 (1, 3), 1918.
25. Oglethorpe County Superior Court Minutes, 1917, pp. 108, 177; *Echo*, September 20 (1, 3), 1918.
 26. *Macon Telegraph*, January 8 (2, 3), January 29 (1, 4), March 10 (second section, 9, 5), 1918; *Echo*, February 1 (1, 3), March 22 (2, 2), 1918.
 27. Oglethorpe County Superior Court Minutes, 1868-1871. pp. 368, 373, 378, 380, 381, 382; *Athens Weekly Banner*, April 19 (1, 1), 1918; *Echo*, November 16 (1, 4; 2, 1), 1917; March 15 (2, 1-2), April 19 (1, 3), 1918.
 28. Oglethorpe County Petitions, 1918 (no page numbers) (in Office of Court of Ordinary); *Echo*, April 19 (1, 3), May 31 (1, 4), June 7 (1, 2), June 14 (1, 4), June 28 (1, 3), 1918; February 21 (2, 3), 1919.
 29. Oglethorpe County Court of Ordinary Minutes, F, 503-506.
 30. Clarke County Deed Record, 27. pp. 281-84.
 31. Pulaski County Deed Record, 14, pp. 379-80 (in Hawkinsville, Ga.); *Echo*, September 20 (1, 4), October 11 (8, 1), 1918.
 32. Oglethorpe County Court of Ordinary Minutes, F, 514, 519; *Echo*, August 1 (8, 3), 1919; February 20 (11, 3), 1920.
 33. Oglethorpe County Court of Ordinary Minutes, F., 503-506, 519.
 34. *Echo*, February 14 (6, 1), 1930.
 35. Oglethorpe County Court of Ordinary Minutes, F, 209; First Annual Return (no page numbers); Second Annual Return (no page numbers); First Annual Return, 1919 (no page numbers); Vouchers, Estate of James M. Smith, 1918 (in Office of Court of Ordinary); Petitions, 1918; *Macon News*, April 19 (1, 5), 1916.
 36. First Annual Return, 1919 (no page numbers); Oglethorpe County Court of Ordinary Minutes, F, 476-77, 546-48; Permanent Orders (no page numbers); Oglethorpe County Superior Court Minutes, 1917, pp. 333-34, 341-42. It was stated in 1931 by T. Larry Gantt that the nephews and nieces of Colonel Smith received in a compromise settlement \$50,000 each. *Echo*, March 13 (3, 2), 193. This writer found no record of such a settlement.
 37. First Annual Return, 1919 (no page numbers); Oglethorpe County Court of Ordinary Minutes, F, 280-83; Vouchers, 1918 (no page numbers); *Echo*, November 24 (1, 3), 1916; January 4 (1, 2), March 8 (1, 3), 1918.
 38. Oglethorpe County Court of Ordinary Minutes, G, 3, 15-22; Oglethorpe County Superior Court Minutes, 1917, pp. 225, 566; *Echo*, July 4 (2, 5), 1919; April 23 (1, 2), 1920; September 23 (1, 2), September 30 (1, 3), 1921.
 39. Oglethorpe County Court of Ordinary Minutes, G, 21; Oglethorpe County Superior Court Minutes, 28, pp. 95, 96, 97, 224; Oglethorpe County Deed Record, 00, 202-204; QQ, 201-202; RR, 235; SS, 170, 172; 3-0, 568, 569; *Echo*, October 2 (1, 3), 1925.
 40. Clarke County Deed Record, 27. pp. 277-78; *Echo*, October 31 (1, 4), 1919; March 26 (1, 5), October 15 (1, 5), 1920; August 17 (3, 2-3), 1923; August 7 (3, 3), 1931.
 41. *Echo*, December 3 (1, 5), 1920; June 3 (1, 5), 1921; October 27 (1, 5), 1922.
 42. Oglethorpe County Deed Record, QQ, 200, 238.
 43. *Echo*, December 12 (1, 3), 1919; February 13 (1, 5), July 30 (1, 3), August 6 (1, 4), October 8 (12, 3-5), 1920; August 19 (1, 2), 1921; January 13 (8, 4), November 10 (11, 5), 1922; January 19 (8, 3), March 23 (3, 1-2), 1923; September 19 (8, 1), 1924.
 44. *Ibid.*, February 18 (1, 3), 1921.
 45. *Ibid.*, May 13 (8, 1).
 46. Clarke County Deed Record, 25, pp. 316, 324, 516; 26, p. 283; 27, pp. 28-29, 131, 555; 29, pp. 330, 198-99; 34, pp. 12-13, 25-26; 35, pp. 96, 97, 441-42, 467-68; 40, pp. 233-34; 41,

- pp. 263-64; 42, pp. 428-29; Oglethorpe County Filing Docket and General Index to Deeds and Realty Mortgages, Grantor, N to Z, From March 23, 1794, to December 31 1938, Inc. (in Office of Clerk of the Court), 15-18.
47. Clarke County Deed Record, 28, pp. 410-12; 30, pp. 49-50; 36, pp. 385-87.
48. *Ibid.*, 30, pp. 276-79, 585-87; 32, pp. 145-50; 36, pp. 509-11; 38, pp. 418-22, 566-70.
49. Oglethorpe County Deed Record, YY, 165, 212; Clarke County Deed Record, 39, pp. 202-203; 41, pp. 158-59; 43, pp. 74-76; 48, pp. 327-28, 334-37, 339; 49, pp. 271, 453-57, 478-84, 488-96; *Echo*, March 25 (1, 5), 1921; October 26 (1, 3), November 2 (1, 5), November 9 (1, 4), 1923; August 8 (1, 3), 1924; June 10 (6, 3-5), 1927; December 13 (7, 5), 1929; March 13 (1, 5), November 13 (1, 3), 1931; December 16 (1, 4; 1, 5), 1932.

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III. GOVERNMENT DOCUMENTS, PRINTED AND MANUSCRIPT

A. United States

1. Statistical

a. Manuscript

United States Census, Sixth, 1840, Population, Wilkes County, Georgia.

United States Census, Seventh, 1850, Population, Wilkes County, Georgia.

United States Census, Eighth, 1860, Agriculture, Wilkes County, Georgia.

United States Census, Eighth, 1860, Population, Wilkes County, Georgia.

All of the items above are on microfilm in the University of Georgia Library.

b. Printed

The Seventh Census of the United States: 1850. . . . Washington: Robert Armstrong, Public Printer, 1853.

Agriculture of the United States in 1860; Compiled from the Original Returns of the Eighth Census, . . . Washington: Government Printing Office, 1864.

Population of the United States in 1860; Compiled from the Original Returns of the Eighth Census. . . . Washington: Government Printing Office, 1864.

Report of the Production of Agriculture as Returned at the Tenth Census (June 1, 1880), . . . Washington: Government Printing Office, 1883. Although not numbered, this is volume III of the Tenth Census.

2. Judicial—Printed and Manuscript Records

In the Federal Records Center, East Point, Ga., is a mass of records, filling approximately two standard office cabinet drawers, relating to the James Monroe Smith Estate case appealed from the Court of Ordinary, Oglethorpe County, to the District Court of the United States for the Northeastern Division of the Southern District of Georgia, Judge Emory Speer presiding. The hearing is listed as Equity Case 18, M. S. Jennings et al. vs. Zadock Smith et al. These records consist of three large ledger minute books, and a mass of two hundred or more petitions, subpoenas, records of testimony, affidavits, and two typed books entitled "Testimony Introduced by Plaintiffs" (326 pages) and "Testimony Introduced by Defendants" (299 pages). Items in this collection have been cited in footnotes in the present book, as being in Loose Papers.

In the Federal Records Center, New Orleans, there is a mass of records, slightly less voluminous, relating to the appeal from Judge Speer's court to the United States Circuit Court. Many of the records of this case are copies of the records in Judge Speer's court. The case appears under this title: "United States Circuit Court of Appeals. Fifth Circuit. No. 2928. Zadock Smith et al., Appellants vs. Mrs. M. S. Jennings et al., Appellees. Appeal from the District Court of the United States for the Southern District of Georgia." Important printed records in this case are: *Appellants Brief in Reply to Brief of Boatright Intervenors* (17 pages); *Brief for Appellants* (56 pages); *Brief for Mrs. M. S. Jennings, et al. Group No. 1—Appellees* (68 pages); *Brief in Behalf of Boatwright [sic] Intervenors* (18 pages); *File No. 25,686. Supreme Court of the United States, October Term, 1916, Term No. 856. Mrs. M. S. Jennings et al., Petitioners vs. L. P. Smith et al., Order on Petition for Writ of Certiorari No. 2928. Filed March 6, 1917* (a one-sheet form filled out); *Reply Brief for Appellees—Mrs. M. S. Jennings et al., Group* (12 pages); *Reply Brief of Josephine Humphries, et al., on Answer and Cross Bill Appellees* (57 pages); *Short Reply Brief by Counsel for Amanda Massey, Intervenor and Appellee* (4 pages); *Transcript Record* (860 pages). This last item contains in printed form many of the records of the case in Judge Speer's court.

In the possession of the present writer is a pamphlet of 55 pages, entitled, *In the Supreme Court of the United States,*

October Term, 1916, No. Mrs. M. S. Jennings, et al.,
*Petitioners, vs. Zadock Smith, et al., Respondents. Petition for
 Writ of Certiorari to the United States Circuit Court of Appeals
 for the Fifth Circuit. Response to Petition for Writ of Certiorari.*

B. Georgia

1. State

a. Judicial—Printed and Manuscript

L. K. Smith, et al. vs. J. T. Dalton, et al., Northeastern Circuit, Superior Court, October Term, 1916. Brief for Plaintiff in Error (26 typewritten pages on legal-size paper, in the University of Georgia Library).

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b. Legislative and Executive—Printed and Manuscript.

Acts of the General Assembly of the State of Georgia, . . . Annual Session in November and December, 1866. Macon: J. W. Burke & Co., 1867.

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Debates in the Senate of Georgia on the Consideration of the Bill to Modify the Railroad Commission Law. With Appendix. A document of 157 pages. No place, no publisher, no date.

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Executive Minutes, 1883-1885; 1886-1887. Manuscripts in the Department of Archives and History, Atlanta.

Journal of the House of Representatives of the State of Georgia, at the Annual Session of the General Assembly, Commenced at Atlanta, January 10, 1877; ibid. (title varies), November 6, 1878, July 2, 1879, I, II; November 3, 1880; July 8, 1891; October 23, 1895. Atlanta: Printers vary, 1877-1895.

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- g. McDuffie. Deed Record, No. 1. In Office of Clerk of Court, Thomson.
- h. Madison. Deed Record, Nos. K, L, M, N, O, P, Q, R, S, T, U, V, W, X, Y, Z, A-2, B-2, C-2, D-2, E-2, F-2, G-2, H-2, I-2, J-2, K-2. In Office of Clerk of Court, Danielsville.
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 - Chancellor Walter B. Hill Papers.
 - Colonel David C. Barrow Collection.
 - Hoke Smith Collection, Scrapbook 38.
 - Judge Alexander S. Erwin Collection.
 - Judge E. K. Lumpkin Collection.
 - Telamon Cuyler Collection.
- B. *Interviews*. All were with Charles R. Koch of Cincinnati, Ohio.
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 - T. H. Hancock, Smithonia, Ga., June 17, 1958
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